Thinking of Buying Some Land? *David Sanford*

THE NEW REPUBLIC

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The Koerners aren't trying to save the world. Just a little piece of it.

Romero is a small farm village clinging to the mountains of Colombia, South America. Poverty is extreme. Illiteracy is almost total. Electricity, sanitary facilities and running water are nowhere to be seen, and small children haul water from the river three miles away. There is a school in the district, but convincing parents that education should take precedence over water-hauling is a hard argument to win.

The Fuentes are one of the village families. Poor even by Romero's sub-standards. The mud-brick house with dirt floors they live in isn't even theirs. The two-acre farm behind it provides all the income for the family of nine. Most of the time there isn't enough to go around. Yet, this has been a good year for the Fuentes. Their 7-year-old daughter Luz Marina has been able to stay in school.

This miraculous stroke of luck is because of a family living in New York, who are helping Luz Marina. They're the Koerners. Through Save The Children Federation, they are contributing $15.00 a month to help.

For Richard and Marianne Koerner the $15.00 a month is not an extreme sacrifice. Yet, with three robust boys of their own, there are many ways they could use the money. But Richard, whose job involves foreign travel, doesn't have to imagine the poverty the Fuentes endure. He's seen it. He knows, too, that Save The Children can do a remarkable number of things with the money.

First, Luz Marina's immediate school needs are taken care of. Secondly, funds are available to the family to carry out their self-help plan to raise hens. The eggs will help improve the family diet and increase the family income. Finally, a small portion of the Koerner's contribution, together with money from other sponsors, has been lent to the villagers. With their own hands and sweat, they're building a water storage tank and a pipeline. Hopefully, the new water supply will increase the crop yield and the village's income so that some day they will no longer need help.

Self-help. That's what Save The Children Federation is all about. Although contributions are tax-deductible as a charity, the aim is not merely to buy a child a few hot meals, a new coat, or shoes. Instead, your contribution is used to give people the boost they need to start helping themselves.

Sponsors are desperately needed for children in Korea, Vietnam, Latin America, Africa, Greece, the Middle East, as well as Appalachian and American Indian children. You can select the child's nationality and will receive a photo, regular progress reports and a chance to correspond and visit.

Richard Koerner hopes that one day, one of his business trips will enable him to meet the Fuentes. Many sponsors do visit their children, and tell us that it is one of the most gratifying experiences of their lives.

The Koerners know they can't save the world for $15 a month. Just a small corner of it. But, maybe that is the way to save the world. If there are enough people like the Koerners. How about you?

National Sponsors (partial list): Faith Baldwin, Hon. James A. Farley, Gene Kelly, Mrs. Eli Lilly, Paul Newman, Mrs. J. C. Penney, Frank Sinatra.

Save The Children Federation, founded in 1932, is registered with the U.S. State Department Advisory Committee on Voluntary Foreign Aid.

Save The Children Federation

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☐ WHERE THE NEED IS GREATEST ☐ LATIN AMERICA
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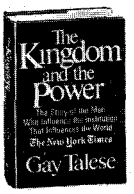

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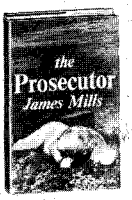

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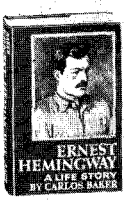

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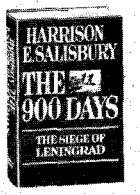

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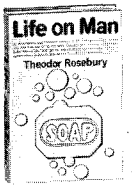

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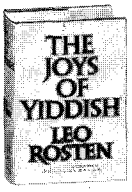

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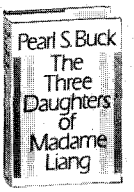

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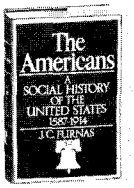

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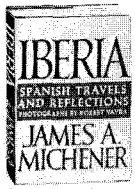

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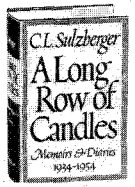

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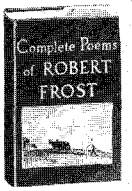

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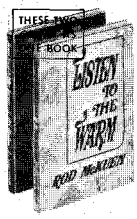

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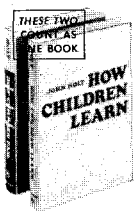

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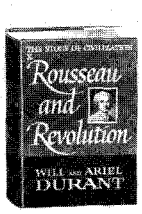

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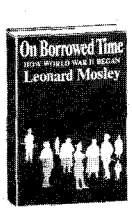

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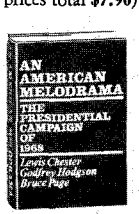

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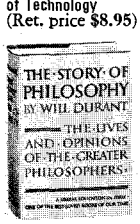

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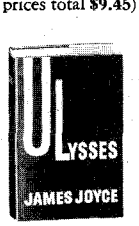

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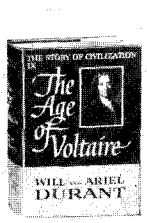

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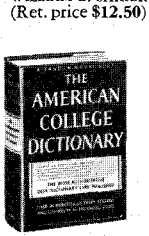

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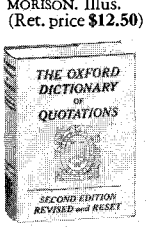

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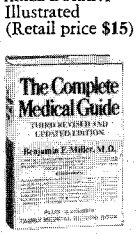

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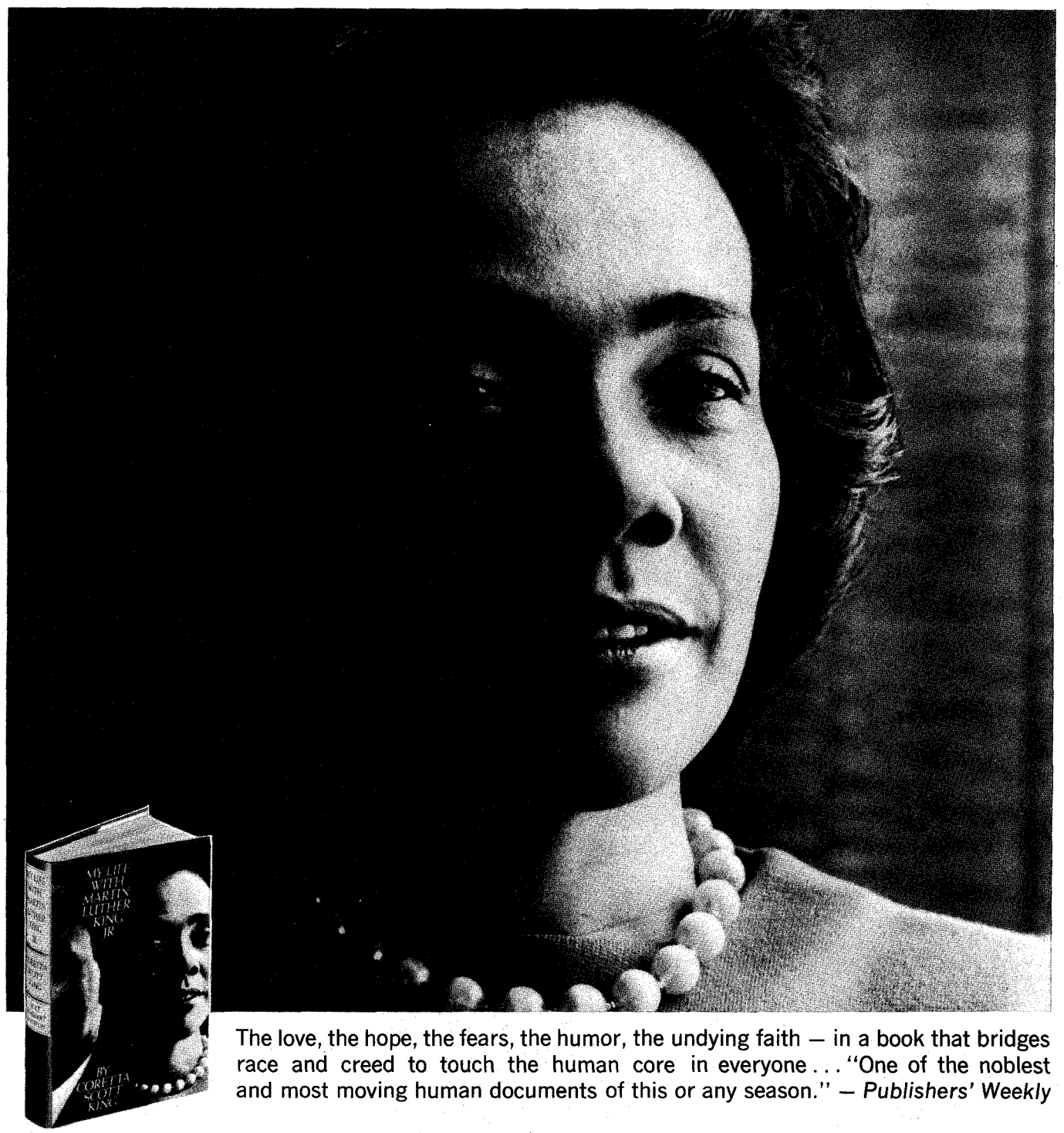
"I have written this book out of my need to share with people everywhere the kind of fulfillment which I found both as a woman and as a human being in my life with Martin Luther King, Jr." – CORETTA SCOTT KING



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LONDON						
102	Dec. 20	Jan. 3, '70	—	$290	$60	$230
329	Jan. 8	Jan. 22	$275	—	$60	$215
330	Jan. 29	Feb. 12	$275	—	$60	$215
105	Feb. 14	Feb. 28	$275	—	$60	$215
331	Feb. 26	Mar. 12	$275	—	$60	$215
106	Mar. 14	Mar. 28	$275	—	$60	$215
372	Mar. 27	Apr. 10	$275	—	$60	$215
PARIS						
112	Dec. 20	Jan. 3, '70	—	$300	$60	$240
334	Jan. 10	Jan. 24	$284	—	$60	$224
113	Jan. 24	Feb. 7	$284	—	$60	$224
335	Feb. 7	Feb. 21	$284	—	$60	$224
336	Feb. 21	Mar. 7	$284	—	$60	$224
337	Mar. 14	Mar. 28	$284	—	$60	$224
373	Mar. 28	Apr. 11	$284	—	$60	$224
LISBON						
108	Dec. 20	Jan. 3, '70	—	$282	$60	$222
109	Mar. 14	Mar. 28	$262	—	$60	$202
ROME						
123	Dec. 21	Jan. 4, '70	—	$340	$60	$280
125	Mar. 14	Mar. 28	$320	—	$60	$260
BRUSSELS						
116	Dec. 20	Jan. 3, '70	—	$300	$60	$240
148	Jan. 24	Feb. 7	$284	—	$60	$224
147	Feb. 28	Mar. 14	$284	—	$60	$224
AMSTERDAM						
142	Dec. 19	Jan. 2, '70	—	$300	$60	$240
145	Mar. 6	Mar. 20	$284	—	$60	$224
MUNICH						
121	Dec. 21	Jan. 4, '70	—	$317	$60	$257
345	Jan. 16	Jan. 30	$300	—	$60	$240
346	Feb. 8	Feb. 22	$300	—	$60	$240
347	Feb. 27	Mar. 13	$300	—	$60	$240
GENEVA						
117	Dec. 19	Jan. 2, '70	—	$312	$60	$252
119	Jan. 10	Jan. 24	$295	—	$60	$235
340	Jan. 19	Feb. 2	$295	—	$60	$235
120	Feb. 14	Feb. 28	$295	—	$60	$235
341	Feb. 23	Mar. 9	$295	—	$60	$235
242	Mar. 2	Mar. 16	$295	—	$60	$235
COPENHAGEN						
115	Dec. 20	Jan. 3, '70	—	$312	$60	$252
TEL AVIV						
132	Dec. 20	Jan. 3, '70	—	$490	$60	$430
349	Jan. 13	Jan. 27	$450	—	$60	$390
134	Feb. 6	Feb. 20	$450	—	$60	$390
350	Feb. 17	Mar. 3	$450	—	$60	$390
135	Mar. 7	Mar. 21	$450	—	$60	$390
351	Mar. 17	Mar. 31	$450	—	$60	$390
ATHENS						
127	Dec. 20	Jan. 3, '70	—	$395	$60	$335
129	Mar. 7	Mar. 21	$380	—	$60	$320

THREE-WEEK TRIPS

Trip #	Leave New York	Return to New York	Total Prepaid (Off Season)	Total Prepaid (Shoulder Season)	Including Accommodation Voucher	Thus, Real Cost of Round Trip
LONDON						
103	Dec. 21	Jan. 11, '70	—	$340	$110	$230
104	Jan. 3	Jan. 24	$325	—	$110	$215
332	Feb. 12	Mar. 5	$325	—	$110	$215
333	Mar. 9	Mar. 30	$325	—	$110	$215
375	Mar. 28	Apr. 18	$325	—	$110	$215
PARIS						
111	Dec. 19	Jan. 9, '70	—	$350	$110	$240
338	Jan. 17	Feb. 7	$334	—	$110	$224
339	Feb. 14	Mar. 7	$334	—	$110	$224
114	Mar. 7	Mar. 28	$334	—	$110	$224
376	Mar. 31	Apr. 21	$334	—	$110	$224
LISBON						
136	Feb. 7, '70	Feb. 28	$312	—	$110	$202
377	Mar. 29	Apr. 19	$312	—	$110	$202
ROME						
122	Dec. 13	Jan. 3, '70	—	$390	$110	$280
124	Feb. 28	Mar. 21	$370	—	$110	$260
BRUSSELS						
138	Dec. 13	Jan. 3, '70	—	$350	$110	$240
AMSTERDAM						
143	Jan. 9, '70	Jan. 30	$334	—	$110	$224
144	Feb. 6	Feb. 27	$334	—	$110	$224
MUNICH						
139	Feb. 7, '70	Feb. 28	$350	—	$110	$240
348	Feb. 20	Mar. 13	$350	—	$110	$240
GENEVA						
118	Dec. 20	Jan. 10, '70	—	$362	$110	$252
343	Jan. 19	Feb. 9	$345	—	$110	$235
344	Feb. 16	Mar. 9	$345	—	$110	$235
COPENHAGEN						
137	Feb. 28, '70	Mar. 21	$345	—	$110	$235
TEL AVIV WITH ATHENS						
131	Dec. 13	Jan. 3, '70	—	$540	$110	$430
133	Jan. 10	Jan. 31	$500	—	$110	$390
352	Jan. 29	Feb. 19	$500	—	$110	$390
353	Feb. 12	Mar. 5	$500	—	$110	$390
354	Mar. 5	Mar. 26	$500	—	$110	$390
ATHENS						
128	Jan. 3, '70	Jan. 24	$430	—	$110	$320

Note: A trip to New York City for the same period, while paying for $28 hotel rooms ($15 in Europe), $7 for dinner ($3 in Europe), and $9 for theater tickets ($2.50 in Europe), can cost you more than one of these trips. And, the European climate in the fall and winter is milder, because the temperatures don't drop as low.

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from Washington

Honeymoon's Over

The whole mood has astonishingly changed in Washington and it augurs no good for President Nixon. You go out one of these fall mornings and there has been a frost and all those pretty flowers are wilted and the leaves coming down, and though you knew it would happen you are, just for a minute, in the suddenness of it all, nonplussed. Next week, Oct. 15, comes the campus Vietnam demonstration, and there are a dozen other assorted confrontations ahead. It's not the long hot summer that faces Mr. Nixon, but the long cold winter.

The accumulating incidents tell their own story. For example, here we are in the "Great Hall" of the Justice Department, and here is Jerris Leonard, chief of the Civil Rights Division – a button-down blue-shirt type – standing before two giant aluminum symbolic figures in a vast chamber (where you expect somebody to announce departure of the Broadway Limited any minute) and he is pooh-poohing the mutiny of his legal staff. You pinch yourself. This is very strange. And yet there it is: 65 of 74 lawyers have signed a public protest at the enforcement policies they are being asked to pursue.

Mr. Leonard flounders on and gets in deeper and deeper: if the Supreme Court should order Southern schools to be integrated immediately, he says, "nothing would change"– the US just lacks the power "to enforce that kind of decision." At this same hour (you reflect) granite-faced Attorney General Mitchell is telling the country's police chiefs down at Miami Beach that the Administration will back law enforcement with "all its moral, political and economic power."

But what a strange thing this is politically. Other new Administrations have hastily built bridges to alienated minorities but Mr. Nixon has thrown hardly a sop to the blacks in the past eight months. From civil rights' delays to Judge Haynsworth's nomination he has widened the breach with 22 million blacks, and narrowed it with the formerly Democratic white South. Is this done deliberately? Oh, dear me, no, says Mr. Nixon. But the latest Harris poll shows Mr. Nixon more popular in the South than in any other region: only 49 percent for him in the East; 52 percent for the nation as a whole, and 65 percent in the South.

So now the scene shifts to another day last week. Not many people on the Senate floor, but Sen. Goodell rises and introduces a resolution to bring all US troops out of Vietnam by the end of 1970. Mr. Goodell is a Republican, from New York. Named by Gov. Rockefeller. Up for reelection. The doves listen in astonishment. Can they believe their ears? Here is one politician (a former hawk, incidentally) who thinks he knows which way the wind is blowing.

It was all so cool and tranquil a little while ago, with Mr. Nixon golfing and swimming in San Clemente, California. Voices were good and lowered. And then he came back and reporters began prodding his aide, uncomfortable Ron Ziegler, for a press conference. He hadn't had one for three months. An awful lot of questions accumulate in three months; even, for example, who's running things?

President Johnson's popularity average on the Gallup poll at the end of his first eight months was 76 percent; Kennedy's 75 percent; Eisenhower's 75 percent – Mr. Nixon's is only 62 percent. The Harris poll says that only about a third of the people approve Mr. Nixon's handling of Vietnam. That's his problem. It came up again and again in the press conference last week. He criticized Goodell, asked for national unity, and patronized the campus Oct. 15 demonstrators – "under no circumstances will I be affected whatever by it." That's the kind of statement that makes angry people even angrier.

The older generation asks for "reason" and "patience" about the Vietnam war. But they aren't the ones who fight. What you have to go to the campus to find out is that a whole American draft-threatened generation is furious, is raging over the war – or else, maybe they are deftly evading it with possible permanent damage to their psyches. If the war is senseless, they demand, why not stop it? How long do you sacrifice 7,500-8,000 lives a year, they ask, so that President Thieu can keep the man who ran against him for office in jail? It is not easy to answer.

Mr. Nixon has hardened his attitude and has adopted a policy, which was unsuccessful for Mr. Johnson, of trying to shame the nation into giving him more time. Critics aren't doves, they are "bugouts." Let us agree that he is in a terribly difficult situation. In fairness, it was a war he didn't make (though he supported it belligerently while it served his purpose) and now he is asked to extricate us – gracefully. Almost certainly, it can't be done. While he tries, the sands drop through the hourglass; only they aren't grains of sand, they are lives. Probably nobody knows better than Mr. Nixon that he is apt to be made a scapegoat; sometimes one gets a sense of desperation.

Washington, to be frank about it, is suddenly a lot more like Washington. The parties are squaring off; the honeymoon is over; there is a great deal of bickering, and a substantial number of congressmen seem to be getting a message from the folks back home – "We want out."

In the midst of things antiwar Democratic candidate Michael Harrington won a Massachusetts House seat which has been Republican for 94 years, beating the son of Leverett Saltonstall. Before the vote, Robert Healy of the *Boston Globe* wrote of Harrington, "He is running as much against the Nixon Administration as he is against Saltonstall." This was the central theme of the campaign. Like the switch of Republican Senator Goodell of New York, Harrington's victory was an omen for hesitating politicians.

Meanwhile Mr. Nixon intervened to block the public trial of the Green Berets. The curtain was up just long enough to give an unforgettable glimpse of half a dozen rival, murderous intelligence agencies writhing together in jealous competition, with a frustrated Gen. Abrams apparently trying to get control. A dirty war produces dirty actions and, for purposes of public support, Mr. Nixon no doubt was politic in dropping the curtain.

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 161, Number 15, Issue 2859, October 11, 1969. Published weekly (48 issues a year) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D.C. 20036. Phone FEderal 8-2494. Single copy 40c. Yearly subscription $10; Foreign $11; Armed Forces personnel or students, $6. Send all remittances and correspondence about subscriptions, undelivered copies, and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302. Copyright© 1969 by Harrison-Blaine of New Jersey, Inc. Item g. Second Class Postage Paid at Washington, D. C. Indexed in Readers' Guide.*

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Willing to End The War

It is too early to start a dump Nixon movement. The country is stuck with Mr. Nixon until 1973, at least. But Mr. Nixon is stuck with the country, too, and the constituency that so narrowly elected him voted for a change. The Democrats could not end the war, or at least had not done it. Having had no official responsibility for our foreign or military policies, the new President was free to stop or go, turn aside or turn about. But the pregnancy of Nixon's new approach has gone full term – nearly nine months – and he has yet to deliver. He has, it is true, ordered token troop withdrawals and draft cuts, neither of which is read in Saigon, here, or in Hanoi as a pledge to have done with the war. The students, for whom the draft is literally a matter of life and death and who cynics expect can be easily bought off, are not taken in. Mr. Nixon announced the first troop withdrawals in June. But in the four months June through September, 27,242 more men were called than were drafted during the same period in 1968; nearly as many men will have been called up in Nixon's first year as in Johnson's last. Pulling out 60,000 troops – or 100,000 – by the end of the year may slightly reduce the level of combat and the number of casualties. But no more than that can be expected. Indeed, these piecemeal withdrawals may encourage Hanoi to stick with it, persuaded that the President, like Defense Secretary Laird, is cutting back the troop commitment primarily for the purpose of muting criticism at home.

On the matter of public opinion, the President is gambling dangerously. The country long ago lost patience with the plea – wait, hope, trust me. Things have gone too far, too wrong, for that. Mr. Nixon's offhand, imperious dismissal of the antiwar movement at his September 26 press conference seems to have had the opposite effect of the one intended; it did more to strengthen a growing consensus against American military involvement than anything the October 15 Vietnam Moratorium Committee could have done. When he said of the Moratorium "We expect it. However, under no circumstances will I be affected whatever by it," he opened the sluicegates. No politician, no President, can say that he will not be moved by public opinion, without provoking a more aroused opinion. And when Mr. Nixon again assured the people that, "if we stay on this course and if we have some more support in the nation . . . the enemy then will have

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the incentive to negotiate . . . ," he is, again, issuing a summons not to reason, but to blind faith. The grim realities in Vietnam and the diplomatic paralysis in Paris did not justify any such forbearance. The latest Louis Harris poll has only 35 percent of the American people supporting Nixon's handling of the war – down 12 points since June. The "self-appointed advice givers" (Sen. Scott's term for the critics of the war) will not give what the Senator believes is owed the President – a 60-day moratorium on criticism. They will not, and should not, because the President has yet to foreswear our assumed "commitment" to make South Vietnam safe for democracy (American style), or to stop supporting – with words, money, lives – a cluster of military men in Saigon bent on keeping our feet to the fire until *their* position seems secure.

The October 15 Moratorium, conceived originally as a national demonstration of student sentiment on the war, now looks to be a national uprising that will draw into it business, labor, civil servants, old and young. These are not people bent on destroying the system, but on saving it from further erosion. The pressure will accelerate. Senator Fulbright's hearings on Senator Goodell's proposal to force withdrawal of all American troops by December next year; the promise by Fred Harris, chairman of the Democratic National Committee, to resume criticism of the war, to "take the gloves off"; the nonpartisan endorsement of the October 15 Moratorium by Senators Goodell, Hart, Hatfield, McCarthy, McGovern, Bayh, Cranston, and by Members of the House including Republicans Donald Riegle and Ogden Reid and Democrats Don Edwards, Abner Mikva, Paul McCloskey, Shirley Chisholm, Donald Fraser and Allard Lowenstein – all will make Nixon's disclaimer of concern difficult to sustain. The prediction of one of the young organizers, David Hawk, that "this fall will witness the largest, most broad-based and sustained movement for immediate withdrawal of all United States forces from Vietnam that this country has ever seen" – may prove accurate.

The Moratorium has the official support of a growing number of university administrators, as well as students and faculty (endorsement by the Faculty Senate of Columbia University); of teachers organizations (the Washington, D.C. union is asking local teachers to plan moratorium-day lessons); business (Business Executives Move for Peace); governing bodies (the Berkeley city council voted support for the principle of the moratorium); religious groups; political organizations (SANE, the Ripon Society, New Democratic Coalition, Americans for Democratic Action), federal employees groups.

Have we the will to stay the course, the President ask? What should the course be? The answer of the participants in the Moratorium is – the course that leads us quickly out of the war. Their demonstration is intended to prove that the nation *has* the will, for that.

Minority Leader Scott

"Polished jade in place of horse manure" is how one Republican describes the political sea-change involved in Hugh Scott of Pennsylvania succeeding the late Everett M. Dirksen as Senate Minority Leader. Urbane Scott was earthy Dirksen's Whip since January, but all they had in common was vanity. Dirksen shamelessly played to the groundlings; his politics were bucolic if not all compost. Scott, though he represents Pennsylvania, never forgets he's from a First Family of Virginia, a descendant of President Zachary Taylor and a member of the Order of Cincinnatus, world traveler, gourmet, and author of a book on Chinese art. When he visited Taiwan, priceless treasures were specially brought out for his inspection. The art expert who displayed them to him was the last living descendant of Confucius, and also apparently a good psychologist, for he told Scott fulsomely, "Ah, we should swap jobs, I see you know more about Chinese art than I." Scott nodded. Two years ago, Oxford University invited Scott to lecture at Balliol College, on American politics and political institutions. He missed 77 Senate roll calls in a two-months absence, but believes it was worthwhile: "I think I helped change British public opinion for the better about this country."

A former district attorney, Scott was 16 years in the US House of Representatives, overlapping Richard M. Nixon, and has been 11 years in the Senate. In Pennsylvania, Scott's political foes prominently include right-wing members of his own party, whom he calls "kookies." He defines his own political position as "moderate centrism." He also refers to himself as "a genial tiger." Friends and foes agree that Scott is first-rate at infighting. He barely survived the 1948 Thomas E. Dewey fiasco, when he was Republican national chairman. He had better luck backing Eisenhower for the Republican nomination in 1952, and in 1960 was Nixon's campaign and preconvention adviser. In 1962, Scott helped put Republican William Scranton into the governorship against the desires of the state party machine, and in 1964, Scott bucked Goldwater, though Scott himself was up for reelection. The vengeful Republican organization left Scott's campaign material lying around in unopened packages, under tables. In the upshot, Scott won, and Goldwater lost to Johnson in Pennsylvania by a million votes. Not for nothing is Scott also the author of *How to Run for Public Office and Win.*

In Pennsylvania, he walks a tight political rope, wooing white labor unions but also Negroes, and respecting the protectionist needs of US Steel, Gulf and Center Oil, and the Pennsylvania Association of Manufacturers. His voting record is understandably zig-zaggy: against medicare, and extending minimum wage coverage; for the nuclear test ban, though in his own words,

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"reluctantly and apprehensively"; for civil rights – but so were almost all other Northern senators. He now opposes Nixon amendments to the Civil Rights Act, but he supported ABM. However, he is for foreign aid, a consular treaty with Russia, Israel's right to exist. He supported the Cooper amendment to military procurement, to limit American involvement in Thailand and Laos; also the McGovern food stamps proposal, authorizing free stamps for very poor families. On Vietnam, he stands where President Nixon seems to: no "precipitate" get-out.

Conservative Republicans outnumber liberal ones in the Senate. Nevertheless in the contest for Dirksen's job, Scott beat Dirksen's son-in-law Howard H. Baker of Tennessee 24-19; and Robert P. Griffin of Michigan beat Baker for Scott's job as Whip, 23-20. The Senate is a cozy club and Baker is a very new boy; the rigid right wing detests Scott, but the conservatives accorded him his seniority rights. But further, the Scott-Griffin combo suggests just the opposite of the Kevin Phillips thesis of a Southern strategy (that Scott has publicly opposed). Instead, the Republicans now look like wooing the industrial and urban Northeast, where the votes are, with an eye to achieving a Republican Senate in 1970. Though he will then be verging 70, Scott hopes both to be reelected and to be majority leader. Much will depend on the use he makes of his new opportunities of seeing the President every week, on legislation and on appointments. Scott may try to block some kookies. Whether as a moderate centrist he will push liberals and their ideas forward, is another question.

Barbarians All

Between 15 and 25 Harvard students, tentatively identified in the *Washington Post* as members of the "Weatherman" wing of the torn and divided Students for a Democratic Society, decided to do something about the war last week. They took over Harvard's Center for International Affairs, pushed some people out, and kicked and hit others. They punched a lady librarian in the mouth. The co-chairman of the Harvard SDS has condemned the action as "terroristic," which seems the proper word; he pointed out that it would only serve to isolate the anti-war movement from other people, as it will. There are, it hardly needs repeating, real questions about the complicity of universities in this and future wars. To identify them is part of the task of those who are serious about the universities and about peace. But nothing is gained by barbarism. A miniscule part of the Harvard left has given us a small, ugly snapshot to set alongside the photographs of people getting shot and tear-gassed by police on the Berkeley campus last spring.

Green Beret Case

What is outrageous about the Green Beret case is not that the Secretary of the Army dropped murder charges against six men accused of poisoning, then shooting Thai Khac Chuyen, an alleged double agent. For all the public knows, and it is meant to know as little as possible, these men are innocent; in the absence of a trial, their guilt cannot be assumed. What is outrageous is that the government of the United States, and finally the President, will allow the CIA to stop dead in its tracks a judicial determination of why the deed was done and by whom? It thereby seems to condone assassination as a permissible, necessary business. Of all the moral hurts that the Vietnam war has put upon us, this may not be the greatest, because only one man was "terminated with extreme prejudice." But a bureaucracy that needs and uses such euphemisms ought to be required to read the record of the Eichmann trial. The victim was in the hands of his captors; they had nothing more to fear from him. Yet he was murdered – cold-bloodedly from every report. What were the motives of his assassin? Vengeance? Setting an example for others? An obsession with national security that requires final solutions?

We begin to see, to smell, what this war and indeed the cold war experience has done to us. America has nothing to teach others about the basics of brutality, but we add modern refinements. *The New York Times* reports that CIA agents "recruited defectors and other Vietnamese wherever they could, gave them the latest equipment and trained them in small-unit tactics and the fine art of silent killing." On the same day, a letter writer to that paper expresses his amazement "that the Army arrested these men for what has been *modus operandi* in the game of intelligence for years." "Now that the charges have been dropped," he asks, "with the excuse of security again being used, will the American people allow this system to continue uncurtailed?"

The Nixon Watch

Dr. King's Memorial

Mrs. Coretta King, up from Atlanta and in New York to celebrate the publication of her gentle and loving memoir, *My Life with Martin Luther King, Jr.*, says that President Nixon's "indifferent attitude" has doomed her proposal that the federal government sponsor and create a national park in her assassinated husband's honor, in downtown Atlanta. She adds that her experience with Mr. Nixon "suggests that he has not evolved from racist reflexes." In view of the Nixon Ad-

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ministration's record of minimal action and continuous equivocation in every field having to do with minority and civil rights, and of the President's past and continuing appeal to the Southern white vote, the charge is believable. But inquiry suggests that the story is not that simple. What we have here, on the Administration side, is the plight of men of good will – and the President *has* demonstrated good will in this matter – who have, by other actions, engulfed themselves in a kind of moral twilight. On the other side, Mrs. King's side, we have a demonstration that easy judgments, easy attributions of every denial of the hopes and proposals of black individuals, groups and leaders to "racist reflexes" are no longer as acceptable as they once were.

A foundation to bring into being an appropriate memorial to Dr. King was established soon after he was shot dead in Memphis on April 4 of last year. On its boards of directors and trustees are Mrs. King, former Vice President Hubert Humphrey, Senators Hugh Scott of Pennsylvania and Edward Kennedy, and Dr. King's successor at the head of the Southern Christian Leadership Conference, the Reverend Ralph David Abernathy. Its attorney is Harry Wachtel of New York, a friend of the King family and a source of some of the information given here.

The proposal discussed with the Nixon Administration was first submitted to President Johnson in July of last year. He referred it to then Vice President Humphrey. Its central feature was and is that the incumbent President ask Congress for authority to condemn and purchase approximately 15 acres in downtown Atlanta – not merely "the two downtown blocks" mentioned by Mrs. King in an interview with *The New York Times* – and maintain the site as a national park. It encompasses Dr. King's birthplace, the church where he preached and his father still preaches, several businesses and many dwellings, and a Catholic church. All of the structures except the King birthplace and church would have to be demolished or removed. A memorial tomb, a library, an Institute for Advanced Afro-American Studies, possibly a center for black social action, would be built on the site with federal and private funds. What was asked of Mr. Johnson and later of Mr. Nixon was, above all, Presidential sponsorship of the whole enterprise, to be symbolized and made real by federal acquisition and maintenance of a *national* park.

Harry McPherson, a Johnson assistant, and Charles Stewart of the Humphrey staff, along with several agency officials, reviewed the proposal and discussed it with Wachtel through the summer and fall of '68. Partly because of a feeling, shared by Wachtel, that Humphrey's nomination and candidacy for the Presidency would give approval at that time an unwanted partisan tinge, it was tacitly agreed that action should be delayed until the next President took office. Mrs. King discussed the proposal by telephone with President Nixon in early February and, she says, found him sympathetic. He assigned the matter to Leonard Garment, a former law partner who had just been transferred to the firm's Washington office and who later joined the White House staff. Garment's credentials as a concerned libertarian are unassailable. Wachtel says that throughout his and Garment's subsequent discussions "Leonard Garment and I had a very good relationship. I found him to be a sympathetic man."

But it seemed to Wachtel from early April onward that "the position he had to take raised some questions." The questions raised were of the kind suggested by Mrs. King in her reference to "racial reflexes." Leonard Garment says that the position he took was his own – in essence, that the national park and "the architectural memorial" proposed by Mrs. King and the King foundation were not "appropriate"; that Presidential and federal acceptance and sponsorship of such a memorial "would not be the right thing to do." In a talk with Mrs. King in Atlanta on April 3, and in a letter to her in July, HEW Secretary Robert Finch agreed with Garment that federal contributions to and other help with "a living memorial" of the kind represented by the proposed Afro-American Institute would be "suitable." At Garment's suggestion, Nixon in May authorized the National Park Service to landscape and maintain, indefinitely, any memorial park acreage that might be acquired by the city of Atlanta (which pleaded poverty) or with private funds. At Nixon's order, HEW and George Romney's Department of Housing and Urban Development, among other agencies, scrounged for and identified funds that might supplement a private memorial endeavor. That was as far as the President would go, and Garment so wrote Mrs. King on August 1.

There were unacknowledged considerations. What remains of the nation's fragmented "black leadership" kept remarkably silent. Ralph Abernathy, occupied since Dr. King's murder with establishing his own leadership, publicly asked prospective donors to give their money to SCLC and not to earmark it for the memorial. The Nixon staff knows that certain Southern congressmen possess and are all too ready to produce records of the kind hinted at by a television panelist who asked Mrs. King last Sunday: "Were you ever aware that at least certain agents of the FBI were spreading scurrilous stories about your husband among newsmen and others?" She replied, obliquely and sadly, that she was.

There the matter rests. On the Monday after Mrs. King voiced her complaint and suspicions, Dr. Vincent Harding of the King foundation staff discussed the continuing possibility of federal supplementation of private funds with an HEW official in Washington. Garment, HEW, HUD and other agencies remain under the President's order to do all they can for the memorial, short of acquiring and sustaining a national park in honor of Martin Luther King.

John Osborne

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Save-Our-Air

On Michigan's Upper Peninsula, about a two-hour drive north of Green Bay, is the city of Escanaba, population 20,000. Escanaba prides itself on the nearby forests of fir, balsam and pine, and its clean, pure air. Last year, Thomas Henderson, the president of Atmospherics Inc., whose business it is to criss-cross the country taking high-altitude samples of air pollution, landed in Escanaba and informed the local population that its air was as pure as any he had ever sampled. "When you're up 5,000 feet over Pittsburgh, Gary, Indiana, Chicago or Flint you can hardly breathe," said Henderson, "but you'll probably be free of pollution here forever."

Just after Henderson's visit, the Mead Corporation, a large pulp and paper company which supplies such giants as *U.S. News and World Report* and *Reader's Digest*, announced plans for a new multi-million dollar kraft pulp mill at its Escanaba plant. "Great good news for the Escanaba area and for the Upper Peninsula," roared the *Escanaba Daily Press*. "The investment is a huge one, the job increase is large and the impact on the wood market to be created by the operation will be revolutionary."

A kraft mill uses a sulfate process to convert wood chips into pulp. To the inhabitants of pulp and paper towns all over the country, a kraft mill is associated with an ugly, pervading, penetrating, sickening stench. The odors from some kraft mills are carried up to sixty miles in strong winds. The sulfate fumes released by many kraft mills combine with the lead in housepaints to blacken walls for blocks around.

When one Escanaba businessman, John Walbridge, queried Mead about the proposed mill, the plant operators told him the fears were exaggerated. Perhaps old kraft mills smell, but modern anti-odor techniques have been developed, doing away with such inconvenience. Go down and take a look at the new mill in nearby Wisconsin Rapids, Walbridge was told. So Walbridge drove to Wisconsin Rapids and conducted his own door-to-door poll, asking if the mill smelled or not. It did.

Back in Escanaba, Walbridge and a few others asked Mead if they would shut down the mill if it did turn out to smell. The answer was no. Besides, starting and stopping might make the smell worse.

At that point, the Delta County Citizens Committee to Save-Our-Air was formed. Undaunted Mead representatives continued to talk of the new techniques they would employ to kill all stench. They cited a new mill being built by the International Paper Company at Ticonderoga, New York. But the committee produced a *New York Times* article quoting the Ticonderoga mill director as saying "we can't guarantee anything until we start up." Mead ballyhooed a trip by their executives to Sweden to study new odor-free kraft mills there. When the committee offered to send their own representative anywhere in the world just to sniff the marvel of an odor-free kraft mill, Mead backed down. "We will do the best we can," the Mead mill manager said, "but we can not guarantee there will never be a smell. If there are mechanical breakdowns, or unusual atmospheric conditions, such as low-hanging overcast for a few days, people would know there's a pulp mill around."

In July, the committee asked the county board to develop a comprehensive air pollution ordinance for Delta County. Two of the five members of the board are employees of Mead. The board quietly turned the matter over to the county prosecutor. He did nothing.

Mead argued that state regulations already on the books were sufficient to protect Escanaba's clean air. "Not true," says Walbridge. "The state has yet to shut down a single industry because of pollution anywhere in Michigan. The nearest pollution officer is 60 miles away. He's industry oriented to begin with, and his territory covers a third of the state. Once the mill starts operating, it's too late."

By September, the committee, tired of waiting for the county board, drew up its own draft "Air Pollution Control Ordinance." It called for the establishment of a seven-member county Air Pollution Control

"I'm not smoking, ma – I'm just breathing."

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Board with power to enforce all state and federal regulations, as well as other local regulations that might be developed. The board would investigate all pollution complaints, pollution defined as air contaminants which are "injurious to human life or property or which unreasonably interfere with the enjoyment of life and property." The board would pass on all building applications for anything that might be a source of pollution, from incinerators to kraft mills.

Mead executives complained that the draft ordinance did not contain specific figures, like one part per million, in defining pollution. But, says Walbridge, "there are as yet no such odor standards set by the federal or state government. . . . There's no other way for us to measure it except by the complaints of our citizens. That doesn't seem unreasonable."

A short story by one of the wire services about the controversy brought a flurry of letters to the committee from people throughout the country who had their own experience with kraft mills. From Albany, Oregon: "As usual, the public relations people connected with our mill have promised to install 'anti-smell' devices, and they allegedly did so, but no one has noticed any change at all. Sure they will promise lots and many $$$ for the community. But as we have experienced, property values drop to rock bottom in a radius for miles around the mill in the heavy concentration of fumes. Then as the land is cheap and ruined for living purposes, the companies buy up the land and build more industrial plants that cause more smog and more smell. I live about five miles from the mill and sometimes can't sleep at night, even with the windows closed, due to the stench."

From Chillicothe, Ohio, where Mead runs a kraft mill: "It's ludicrous to think Mead will do anything to protect your air! Here, they placated non-Mead residents by erecting a smokestack at great cost but now the fallout is able to reach a greater area! Columbus – 46 miles north – blames us. In the S. Hickory area, gardens are damaged – plants die overnight – paint on houses is damaged."

From Eureka, California: "The technical know-how is there, but the money spent on clean air is considered 'non-productive,' hence not to be spent."

At the mid-September meeting of the county board, the committee presented its draft ordinance. Committee spokesmen asked that the board hold a public hearing on the matter at their October meeting. The board said that wouldn't give it time enough to study the ordinance. How about November? asked the committee. Maybe, said the board chairman. Would the two board members who were Mead employees disqualify themselves from considering the issue? No.

Doubtful that the board will finally accept the ordinance, Walbridge says the committee will push for a special plebiscite on the issue.

Barry Lando

The Absent Presence Of General de Gaulle

Paris

"For fifty million Frenchmen, de Gaulle might never have existed," a shrewd observer of politics remarked the other day. "But the 500 politicians in and outside the Pompidou government, or in the parliament, haven't forgotten him; they live in fear of a press conference at which he might condemn the Pompidou government, just as he once condemned the United States, Britain, Canada and Israel."

Almost alone among the ruling politicians, President Pompidou has no affection for his illustrious predecessor. Pompidou is in an excellent position to calculate the very high costs of "grandeur." In private, he can be quite rude about the General. But many around Pompidou not only fear de Gaulle but remain loyal to him, rather than to the new president. Pompidou's every pronouncement, therefore, ends with a pledge to serve the sacred Gaullist tradition. It is slightly reminiscent of Mr. Nixon's homage in earlier days to the illustrious Eisenhower. It is sometimes ridiculous. After the devaluation of the franc, for example, Pompidou began by saying that de Gaulle had been right in refusing to devalue in November, 1968; but later in the same statement, he said that by June 1968, he, Pompidou, was already convinced devaluation was unavoidable. Were Pompidou to behave differently, associates of his would doubtless seize the opportunity to denounce him to the General. In these circumstances, it is no wonder that faithfulness to de Gaulle's policy becomes the touchstone of legitimacy. And the area where the degree of faithfulness is most closely watched and measured is foreign policy. It puts the government under considerable strain. How is it to vindicate the General's policy of setting the French franc against the American dollar – a policy whose bankruptcy became evident when the franc did have to be devalued and the French treasury began hastily to negotiate loans with foreign governments and bankers.

The new foreign minister, Maurice Schuman, is more reasonable and soft-spoken than his predecessor. But he too must take account of the lonely old man whose absence from Paris is an ominous presence. He, too, must reaffirm continuity. And so the 50 Mirage jet fighters sit on an airfield in southern France (though paid for by Israel), because that is what de Gaulle decreed. A sudden decision to allow the planes to be delivered is not likely, though the French aircraft industry would have it otherwise; it looks with envy on Israeli military purchases in the US. The French know how to count; they count the hundreds of millions of precious dollars lost because of de Gaulle's dream of

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establishing a virtual protectorate over the Arab world.

It must nevertheless be said that Gaullism without de Gaulle is not Gaullism with de Gaulle. The new regime stages no press conferences at which oracular pronouncements are issued. The Pompidou government is more sober, more modest. It should be: its internal problems are immense – strikes, an obsolete industry and agriculture, a deep moral crisis, monetary devaluation which no one in France believes was the last one, a huge deficit in foreign trade and in the balance of payments. There are fewer hostile references to the US and other Western countries, fewer friendly references to the Soviet Union and her satellites, though Mr. Schuman, mindful of his coming visit to Moscow, speaks of Soviet "moderation and realism." On Vietnam, the new government almost deferentially reminds the world that it is, after all, in touch with all the "principals" and thus might be helpful in bringing about a settlement of the war. (At the same time, it understands perfectly that the disappearance of the Thieu-Ky regime is a prerequisite for any such settlement.) But it does not push its availability as a mediator and insists firmly that the US must not, under any conditions, be "humiliated." It is not, or does not wish to seem, rigid about the Common Market; an enlargement is not ruled out; but first things first, and the first of these is the protection of French agriculture. Die-hard Gaullists were not able to get the foreign ministry for Michel Debre, "the most faithful of the faithful." His selection was vetoed by the less ardent Gaullists in the Pompidou coalition, those who could not shut their eyes to the clumsy and self-defeating role which Debre, and his predecessor, Couve de Murville, played as the co-architects of French foreign policy. The indignities these two men visited on France are remembered: the visit to Paris of the prime minister of the infamous Novotny regime, only shortly before its shameful downfall in Prague; a similar visit of the hardly less disreputable President Aref of Iraq, who took the occasion to make racist speeches and who was overthrown as soon as he returned to Baghdad; de Gaulle's trip to Poland at a time when the Polish regime was moving rapidly to crush any remnant of liberal thought; de Gaulle's promises made during a trip to Rumania, the emptiness of which became quickly apparent when Rumania, a few weeks later, was in danger of becoming a second Czechoslovakia; and finally, the historic slip of Debre when he dismissed the Soviet invasion of Czechoslovakia as a "traffic mishap."

The question asked here is whether the gap that has widened between the rulers and the ruled in France can be bridged in the near future. Some believe it can. Others, more pessimistic, say that nothing can be done so long as the shadow of "the old man" still hovers over the ruling minority. As in so many other things, time must do its work. **Philip Ben**

"Bait and Switch"

How the Pentagon Hooks the Congress

"Bait and Switch" is a hoary confidence trick for selling overpriced goods. The seller advertises a bargain that turns out to be undesirable. The customer's appetite whetted, the salesman then switches to a high mark-up item. House Appropriations Committee testimony discloses that the Navy got its new $25 billion F-14 fighter in this fashion. The bait was the Navy version of the TFX, known as the F-111-B. A huge, lumbering aircraft, it was intended in its Navy role to carry the long-range Phoenix missile to shoot down formations of Soviet bombers, armed with air-to-surface missiles, before they could sink the fleet. It was, in short, a missile platform. Cost – about $12 million a copy.

Although the Navy resented from the start having to buy an aircraft basically designed for Air Force bomber requirements, it kept telling Congress that TFX weight problems could be solved and that the plane was desirable. The Navy version of the TFX was in the hands of Grumman Aircraft Engineering. The chief Navy salesman in recent years, Vice Adm. Thomas F. Connolly, deputy chief of naval operations for air, simultaneously worked behind the scenes to kill the program he supported. In retrospect, it seems clear that the Navy's motive in backing the TFX – which it privately nicknamed the Albatross – was to keep the Phoenix missile system alive until such time as a switch could be made. (Phoenix missiles will cost $400,000 each; the whole program may cost well over $2 billion.) In 1965 and 1966 the Navy awarded Grumman contracts to study the feasibility of putting the Phoenix system on a smaller aircraft than the TFX, one that could be used in other roles than "fleet air defense." That would permit the Navy to justify procurement of many more new aircraft than the 287 F-111-Bs approved by Defense Secretary McNamara.

Then, in the summer of 1967, the Navy began preparing for the switch. Following conversations between officials of the Navy Air Systems Command and Grumman officials (including one retired officer who had earlier managed the F-111-B program for the Navy), Grumman that October presented an "unsolicited proposal" for a design it called the 303: a slimmed-down F-111-B, capable of carrying Phoenix, but also intended to replace the F-4 as the main Navy-Marine Corps fighter in the 1970s. Navy documents inserted in the *Congressional Record* Sept. 18 this year estimate that this fighter replacement program will result in procurement of about 1,200 new planes (F-14s) in the next ten years at a cost of over $12 billion (not counting operating costs, which will run as high as procurement

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costs). Obviously, such a market was more attractive to Grumman than building several hundred F-111-Bs.

The Navy-Grumman exercise in 1967 was carried out in secrecy. Navy Secretary Ignatius found out about it only after someone at Grumman or on Connolly's staff leaked to *The New York Times* the information that Navy admirals wanted to ditch the F-111-B and substitute the new aircraft. "Due to the publicity that was obtained in the press," a Navy official told the House Appropriations Committee this year, "four other contractors asked if they also could submit proposals for evaluation by the Naval Air Systems Command." The Navy looked at all the proposals and combined them, it says, into a design, called the VFX, which was to be the basis for the F-14 development program.

Meanwhile, Connolly and Adm. Thomas H. Moorer, chief of naval operations, laid the groundwork for selling the VFX to Congress. The idea, Connolly told the House Appropriations Committee this year, was to take the money that was going to buy the F-111-B and show that it "would be about the same amount of money as would be required to commence the development of the F-14." (Connolly estimated that 463 F-111s would have cost the Navy about $5.5 billion. The Navy now estimates that the same number of F-14s will cost about $1 billion more – and the cost is likely to go up.) Three days after McNamara left office at the end of February 1968, Moorer and Connolly deftly undercut Secretary Ignatius and the F-111 at a hearing of the Senate Armed Services Committee. The Committee killed the F-111-B as "totally inadequate," and authorized development of the new aircraft. Next month, the F-111 successfully completed its carrier landing tests, proving that despite its weight it was indeed suitable for Navy operations. By then, however, it was too late for McNamara's pet.

The Navy issued a formal "request for proposals" from industry to develop the VFX/F-14 on June 21, 1968. Three months later the competition was narrowed to McDonnell-Douglas, builders of the F-4, and Grumman. On January 14, 1969, Grumman was announced as the winner. Some defense officials assert that McDonnell-Douglas never had a chance because Grumman had a nine-month head start in the competition, plus the advantage of its work on the F-111. Nevertheless, McDonnell-Douglas appears to have done a pretty good job. Mahon brought out the information that its version "was lighter in weight, carried more fuel internally, had more rapid acceleration" at aerial combat speeds, landed more slowly (thus reducing the risk of carrier accidents) and cost less.

But that is not all. Admiral Connolly had admitted that the Navy's contract with Grumman committed Congress to support F-14 production *before* Congressional approval had been obtained. In its current budget request, the Navy seeks funds for the first six production aircraft in addition to six test models. Rep. Glennard P. Lipscomb (R, Calif.) of the House Defense Appropriation Committee, has noted that if Congress fails to appropriate funds for the six production models, it would "have the effect of terminating the contract and . . . we would be placed in an unfavorable negotiating position with a sole-source contract"; the Navy had put Congress in "an intolerable situation," in which it could not control the purse. Connolly replied that "we think we need to buy 12 aircraft in 1970" to permit the contractor to tool up for production. "We heard the same story in the case of the last one," the F-111-B, Lipscomb said.

The Navy had them hooked, and not only on the Grumman contract. In the time-honored practice of not disclosing alternatives debated inside the Pentagon, the Navy did not inform Congress that some experts (1) doubt the need for the Phoenix missile on the grounds that we are not likely to fight conventional wars with the Soviet Union; (2) have shown that the F-14 will be outmatched by new Soviet fighters that could be exported to countries like Egypt and North Vietnam; and (3) believe a new, more maneuverable and quicker fighter plane can be built for one-third the cost. Defense Department studies show that the current Soviet fighter, the MIG-21, will outturn the F-14 at some altitudes. Presumably, later Soviet fighters will do even better. And even the Navy admits that the F-14 will not have as much acceleration and maneuverability as a proposed new Air Force fighter. Sen. Vance Hartke (D, Ind.) recently brought to light an extensively documented Pentagon dissent to the need for, and capabilities of, the F-14. He noted that the Navy has suppressed the proceedings of a recent Navy Fighter Symposium, attended by fighter pilots, which were highly critical of the claimed capabilities of the F-14 in air-to-air combat. But Hartke failed, 23-63, to require the Senate Armed Services Committee to restudy the need for the F-14.

Congress needs some sort of comparison shopping service if it is not to be victimized in this way. Hartke wants Congress to "foster the establishment of competent research groups which do not depend upon the Department of Defense or the aerospace industry for financial support." Like other senators who have fought the military and the Armed Services Committees this year, Hartke questions the practice of putting a security classification on documents, like the internal critiques of the new Navy and Air Force fighter, to keep them from Congress and the public. A growing body of expert opinion favors parallel development of prototype weapons systems that would allow bugs in the design to be worked out well before production is started. It would do away with the sort of barbed contract which the Navy apparently has forced down the throat of Congress in its eagerness to get the F-14.

Andrew Hamilton

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Non-Progress Report on Southern Baptists

That Old-Time Religion

by Bruce W. Eggler

When the general board of the National Council of Churches voted last month to meet part-way the demands of the "Black Manifesto," it spoke for at least the leadership of 33 Protestant and Orthodox denominations with some 42 million members. But absent from the board's deliberations were any representatives of the nation's largest non-Catholic denomination, the 11,300,000-member Southern Baptist Convention. There will be no SBC contributions in the initial $500,000, nor in the later "tens of millions more," which the NCC board pledged to raise for black economic development. But even if the SBC were a member of the ecumenical, generally liberal-minded NCC (it is one of only a handful of major Protestant bodies which are not), not many Southern Baptist dollars would ever find their way into the new fund. For one of the few things Southern Baptists regard with even more distaste than the NCC itself is the Black Manifesto. That attitude became apparent during their 1969 convention.

The Southern Baptist annual convention is one of the few forces binding the 34,000 independent and autonomous churches that make up the SBC. The Black Manifesto was much on the minds of the 16,500 "messengers" who assembled in New Orleans this summer, largely because they feared that chief spokesman James Forman would try to present in person the demand of the Black Economic Development Conference for $500 million (later raised to $3 billion) in "reparations" from white churches. Forman never appeared (he would probably have been refused permission to speak, anyway), but the convention overwhelmingly voted anyway to "reject in total the demands, principles, and methods" of the "outrageous" Manifesto. Efforts by a few "messengers" to soften the condemnation's language were swamped in a sea of "nays."

Despite some tentative signs of growing social consciousness and intellectual openness, the "messengers" frame of mind this year was in keeping with the SBC's traditional conservatism. It showed in the election of the SBC president. Even though among the anti-hierarchical Baptists he has little real power, the president still occupies (normally for two one-year terms) an office of some prestige and influence. For the past year the office has been filled by the Rev. Dr. Wallie Amos Criswell, a 59-year-old, fire-breathing preacher from Dallas. "W.A." has made a name for himself as an opponent of integrationists (whom he once called "dead from the neck up"), Catholics (the election of John F. Kennedy would "spell the death of a free church in a free state"), the theory of evolution ("a big lie"), modern Biblical scholarship, ecumenism, and anything smacking of "socialist" heresies. Criswell's huge First Baptist Church of Dallas (15,000 members – including oilman H. L. Hunt and two or three Negroes – and a $3 million annual budget) is the largest in the SBC. After an opening-night address in which he thundered that the New Left was "a tool of Satan . . . a brand of vipers that sink their fangs into the very heart of our republic," Criswell was elected by the "messengers" to his second term, defeating a more moderate candidate from Virginia by almost 17 to one. The following day he ruled out of order a motion calling upon the convention to exclude "messengers" from local churches which openly admit they refuse to accept black members.

The convention's biggest dispute arose over proposals to require all writers of Sunday-school materials and all professors at the SBC's seminaries to sign oaths that they believe and would teach that the Bible is literally true and infallible in its every word, or be "immediately and arbitrarily dismissed without recourse or recommendation." Replying to charges that such rules would violate intellectual and academic freedom, one Arkansas supporter declared, "This may destroy the freedom of a writer or professor, but we don't need that kind of freedom if we are people of the Book." The proposed resolutions were finally turned down by a paper-thin margin, but a substitute was approved calling on trustees of Baptist institutions to ensure that teachers and writers conform to a fundamentalist 1963 "doctrinal statement."

The messengers greeted with predictable coldness a motion to support the "courageous witness" of young men who for reasons of conscience refuse to fight in Vietnam (despite a plea that Baptists have historically insisted on the ultimate primacy of conscience over state). But then the convention unexpectedly refused even to reaffirm its own 1940 endorsement of the validity of conscientious objection to *all* war. A random poll of "messengers" showed 60 percent believed the US had been right in sending troops to Vietnam. A survey last year of 500 Southern Baptist members in Florida and Louisiana (30 percent of whom supported George Wallace for President, with 44 percent for Nixon)

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found that 75 percent said the US could not afford to lose the Vietnam war, 44 percent were willing to use nuclear weapons "if necessary for victory," and 36 percent favored continuing the war even if it would lead to World War III.

Regardless of this hard-shell conservatism, small groups of "liberals," at most five to ten percent of the denomination, continue to "fight the good fight." Their institutional stronghold is the permanent Christian Life Commission. Recently, the CLC had some success in getting its proposals approved, climaxed last year when the convention adopted a 1,000-word statement on "The Crisis in Our Nation," remarkable less for what it said than for the fact the SBC was saying it. The statement acknowledged widespread racism, injustice, and inequality in America; called on Baptists to work to overcome these evils; and appealed to all member churches to "welcome to the fellowship of faith and worship every person irrespective of race and color." The final version was weaker than earlier drafts: among the sections omitted was a confession of past Southern Baptist guilt in racial matters. And even the final statement was, of course, not binding on the local churches. Still, it was by far the strongest statement on race ever issued by the SBC.

Partial credit for adoption of the statement was widely given to a small band of Baptist college and seminary students who picketed quietly outside the 1968 convention hall. The clean-cut, short-haired students (now organized as Baptist Students Concerned) claim only 100 adherents on various Baptist campuses, however. At this year's convention, the students cooperated with a newly formed organization of some 250 Baptist ministers and professors primarily concerned with trying to save academic freedom in Southern Baptist educational institutions. Despite the defeat of the "infallible Bible" oaths this year, the professors have quite a task before them. Over 20 faculty members in Baptist seminaries and colleges have been fired in the past decade because of their views on the Bible. Earlier this year, the Association of Baptist Professors of Religion charged that "events in [one] Southern Baptist seminary raise . . . a specter of harassment, biblicism, and witch-hunting." The group also attacked the extensive promotion given by the SBC's publishing house to a book by president Criswell entitled *Why I Preach That the Bible Is Literally True*. They charged that the book – in which Criswell propounds his views on Adam and Eve, Jonah and the whale, and the like – had been made to appear an official statement of Baptist belief.

Despite the success of the "Crisis" document last year, in New Orleans even the Christian Life Commission had scant success. Its strongly worded report censuring "extremism" on both right and left as "anti-Christian" and "insidious" failed to win adoption, even after all specific recommendations for action were eliminated. The "messengers" had no liking for the Commission's criticism of those who ignore "the strong, pervasive emphasis of our Lord upon a costly discipline which places moral and ethical demands upon every Christian in all personal and social relationships."

The CLC's strictures went directly to the heart of the split within Southern Baptists: Evangelism versus Social Action. To the majority Evangelists, the chief task of the church is to win souls for the Lord, whether these are to be found in heathen Africa or godless New York or the back pews of Southern Baptist churches. This individual conversion (or "salvation") experience is for them the necessary and sufficient purpose of the church; concern for the society in which both saved and unsaved must live on earth is distinctly secondary. The SBC's attention has been turned toward a year-long "Crusade of the Americas" designed to bring the hemisphere back to (the Baptist) Christ. (There was so much street-corner evangelizing in New Orleans that one strip-show barker reportedly claimed afterwards, "I've been saved seven times. I've never been saved that many times before in one week in my life.")

The SBC's potential for social good is great. Since its huge membership is concentrated in the Southern and South Central states, it dominates the folk culture and elemental beliefs of white Southerners, of all classes, as no other American church can in any other section. In some Southern states, Baptists claim up to 50 percent of the white population. But throughout its 124-year history, the denomination has consistently failed to provide moral leadership on major social and political issues, though it has spoken out forcefully on liquor, tobacco, dancing, pornography, and gambling. (Nor are these old causes passé. Three years ago a published photograph of Presidential aide, and ordained Southern Baptist minister, Bill Moyers dancing the watusi at a Washington party caused loud outcries in the SBC convention against this "dishonor to the name of our Lord.")

Most tragically, the SBC (founded in 1845 as a result of growing anti-slavery feeling in Northern Baptist ranks, and including almost no black members since the time of Reconstruction) has failed to provide what could well have been a powerful voice for reason and reconciliation on the burning issue of race relations. Denominational leaders ritually intone that racial problems are political issues, not to be meddled in by the churches. Besides, under the Baptist policy, each local church may decide for itself what, if anything, to do; neither the full SBC convention nor a state convention nor any permanent staff can tell a congregation what to believe about segregation, civil rights, or any other issue. The decision most congregations reach is obvious

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– in the form of scores of deacons, in cities and towns throughout the South, barring the way to black would-be worshipers (sometimes even to African students who had been converted by the Baptists' own foreign missionaries). A scattering of ministers who have dared suggest that the Kingdom of God might not have to be as segregated as the kingdom of man have been fired or forced from their pulpits by autonomous local congregations.

A few young ministers, especially those most discouraged over the racial issue, have given up, leaving the South, the SBC, or the ministry itself. Nevertheless, most of the liberals' spokesmen say they intend to remain Southern Baptists. As the professor who challenged Criswell for the presidency put it, "We are going to work for freedom and openness and honesty within the SBC." Their chances for success are negligible.

It is difficult to generalize about a denomination as loosely joined as the Southern Baptist Convention, or about one whose ordained ministers range from W. A. Criswell to Billy Graham to Bill Moyers. Nonetheless, it is safe to say that most Southern Baptists would cry "Amen" to the statement of a former Convention president that "the day calls for courage to be intolerant of those who would destroy the great doctrines of our Bible-centered faith . . . those who deny God, the essential deity of Christ, His substitutionary death, the atoning blood, and His glorious return." Most would sympathize with the warning by the "dean of Southern Baptist music evangelists" against an "effort on the part of some denominational leaders to substitute sophistication and intellectualism for basic evangelism." And most Southern Baptists would echo Billy Graham's view that their church has already gone too far toward social action, and that it "needs to get back to preaching the Gospel, to evangelism."

The vast majority is pretty well satisfied with its "conservative, Bible-believing, Christ-preaching, church-centered convention." Firm in their assurance in the fundamentals of the faith, the millions of Baptists see no need to make concessions to the modern world and its restless students, demanding Negroes, troublesome government, or newfangled morality. (Thus, even today many of the dozens of Southern Baptist-supported colleges are still forbidden to accept any money from the federal government, or to rescind ancient rules against students' dancing on campus.) Before the "New Breed" ministers and their academic allies can hope for a major increase in their ranks or their influence within such a denomination, president Criswell told a news conference in New Orleans, "My generation will have to die." For once, Criswell was probably right.

Read the Fine Print

Thinking of Buying Some Land?

by David Sanford

New federal laws may have some effect on real estate swindlers, such as those in Florida who sell marshland to people who are led to believe the little swamps they're buying are dry. The US Department of Housing and Urban Development now compels *interstate* land sellers to describe property accurately to potential buyers. Truth in Lending requires all land sellers to state fully and simply how much lots cost. "Disclosure" has been required since the end of April; "Truth" since July. But already, real estate developers who are moving in on the middle-class market for second homes for leisure and vacations, are charting the loopholes in the laws which, when fully probed, may allow them to operate as before, profitably, disclosing no more than a close reading of the statutes makes mandatory.

To that end, HUD, the Federal Trade Commission, the Federal Reserve Board and other agencies willing to provide Creditor Education as well as the consumer kind, invited several hundred land developers to Washington September 24 for a cram course in the law. This federal-state-industry seminar on interstate land sales was, according to its organizers, the first time government and the developers had ever met as a group to discuss their "common problems." Since no press was

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in evidence and since no consumer groups had been asked, the land people were free to discuss their needs (primarily money) without dissimulation, and government officials could express their warm feelings for the industry they regulate without balancing compliments with pro forma denunciations of fraud and deceit in the marketplace. Succinctly setting the tone of the two-day meeting, the Hon. Richard C. Van Dusen, Under Secretary of HUD, told the group, "This seminar epitomizes the approach of cooperation between federal and state governments and private industry which is part and parcel of President Nixon's new federalism."

Seminar participants learned that the 1968 HUD Act and regulations which became effective April 28 require sellers of land who send advertising through the mails or who do business across state lines, to register land with HUD and "fully disclose" certain information to buyers before sales contracts become final. There are a few important exemptions, but everyone with 50 or more unimproved lots for sale or lease in interstate commerce must comply. The intent of the law is to put buyers on an equal footing with sellers by making them, in HUD's official words, "as well informed as the seller about the property being offered." If the land is inundated and can't be drained, the seller must say so. If promised common recreational facilities like parks, golf courses, and marinas have not been completed (or might never be), the buyer must be told. Specifically, the property report must include 19 pieces of information including data on the availability of recreational facilities, current and proposed utility services and costs, number of homes occupied, soil and foundation problems encountered in construction, the type of title the buyer will get, distances to nearby communities over paved or unpaved roads, existence of liens on the property, etc. A twentieth item is required on reports when there are criminal proceedings pending against the developer or, in the words of R. S. Thompson, director of the interstate land-sales examination division, "if the company is shaky." (An Item 20 on a property report is a clue to trouble.) The information contained in the report must be specific; it must be correct. Stanley Kristiansen, a HUD realty specialist who reviews filings, recalled one report describing land as "high and dry." He thought this sounded fishy so he sent the report back for additional details. It turned out the land was under water (The Florida Phenomenon).

Property reports must be given to buyers before or at the time of signing a contract to purchase land. If a buyer has not seen a property report and personally inspected the property itself when he signs his contract, he may void the sale later. Also, after he has read the property report he has 48 hours in which to cancel the purchase. This recision provision is particularly odious to real estate operators, who depend for their sales on impulse buying and who know that after the glow of a sales pitch has faded customers often wish they hadn't signed. Ray Walsh, who works in HUD's Office of General Counsel, observed on one sales contract that buyers who wanted to revoke sales within the 48-hour limit were instructed to send notice to a specified post office box many miles away – so far away that there was no chance the mail would arrive before the recision period had elapsed. HUD informed the land company that that scheme wouldn't do. Another tack is taken by Lake Caroline, 80 miles southwest of Washington, a heavily advertised new resort community. It is owned by the American Realty Service Corporation ("the nation's leading resort developer"), a company with 50 man-made lakes around the country and 21 years' experience writing sales contracts. The recently updated contract which buyers at Lake Caroline sign minimizes – perhaps even nullifies – the impact of the new disclosure law. A copy of the contract which I obtained from a salesman who said he wasn't supposed to give it out, has the buyer sign away his right to rescind the agreement. His signature "acknowledges receipt of a property report pursuant to the interstate land sales full disclosure act; that he has read and understands such report; that he has inspected the lot to be purchased hereby and *stipulates by signing this agreement that the revocation authority provided in such act shall not apply.*" (Italics mine.)

Land sellers must provide property reports but needn't play up their importance. When I visited the Charnita Golf, Ski and Country Club development near Fairfield, Pennsylvania as a prospective customer in August (see "Charnita Bonanza," Sept. 13), I was given a property report by the salesman who showed me around. He explained that he had to give me the report, but that "because it is something the government puts out, the wording of it seems a bit negative." He said I needn't worry about that. The contrast in advertised claims for Charnita and the substance and language of the property report illustrates one difference between free and fettered enterprise. From the ad: "Your inspection will show you all of the *fully-developed* advantages of Charnita – finest ski area in the East with one of the largest snow making plants in the world, picturesque 18-hole championship golf course, private swimming club, lovely fishing and boating lakes fed by sparkling mountain streams, playgrounds, parks and miles of wooded trails for hiking and riding. Charnita is the only *complete* four-seasons Private Club recreation community in our area." From the property report (Item 20): "It is the intention of the developer to construct an airport, an additional artificial lake, an additional golf course, a clubhouse, a shopping center, a motel and additional ski facilities. However, none of the foregoing is under construction except the clubhouse, on which construction has commenced, and are merely in the planning stage. . . . There are no escrow accounts or separate accounts, or completion bonds to

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assure the construction of any of the foregoing facilities. In most cases the proposed locations have not been determined." In other words, there is no fast guarantee that Charnita will ever be either "fully-developed" or "complete." Lake Caroline has been selling land for about a year, the lake is in, as are many of the improvements promised by the developer. But the roads need paving; the central water supply, a fishing lake, boat docks and other features are under construction. Presumably they will be finished before the developer turns the place over to a property owners' association and moves on elsewhere. But as with Charnita, buyers accept the company's promises on faith. The printed property report states that facilities are scheduled to be completed by mid-1971, and that Lake Caroline Inc. will use its own assets to finish it up. But stamped in red as an afterthought is the warning, "No bonded or escrowed provision has been made to insure completion of these facilities."

Developers whose sales claims won't bear scrutiny or who choose to omit from their advertising and sales patter relevant information, understandably hand out official property reports gingerly. There is nothing in the HUD disclosure law that says sellers must comply with verve. But they must comply, or face civil suits from purchasers and criminal action that may result in fines and prison terms of up to five years and $5,000.

The Truth in Lending law which went into effect on July 1 applies to all consumer credit transactions, including the sale of undeveloped land. The Federal Reserve Board wrote the regulations. The Federal Trade Commission, in land sales, enforces the law. Basically, Truth in Lending says that land companies which want to advertise credit terms must state fully in their promotions all the details of financing – total cost, simple annual interest and total finance charges. Sales contracts must also include these precise details.

But as with HUD's disclosure law, Truth in Lending is open to interpretation, and creditors are busying themselves with the legal ambiguities. Milton Schober, a Federal Reserve Board attorney, appeared before the land sales seminar to explain the law's bite on the real estate industry: "The purpose of the act is meaningful disclosure of credit terms. It is purely a disclosure statute since it does not set rates but merely compels that rates be stated in a uniform language which everyone can understand. I think it is very unfortunate that it is called Truth in Lending. The vast majority of those who are covered are honest businessmen just as you are who have been disclosing credit terms for years. It is not so much *truth* in lending as it is a *new language* of lending."

Truth in Lending states that a land buyer who is asked to put up the land he is buying as collateral shall have three days following disclosure in which to cancel his purchase. But an obscure phrase, stipulating that a customer can cancel his contract only if he expects to use land he is buying as his principal residence, struck the land men at the conference as a way out. Since most of the developers present sell land for weekend and vacation use, they reasoned that the back-out provision should not apply to them. Some developers said they have a printed box on their sales contracts in which a buyer is asked to state he does not expect to use his land to live on. If he checks the box, he can't back out. The Lake Caroline development makes use of this ploy in its sales agreement, asking: "Does purchaser expect the lot purchased hereby to be used as his principal residence?" The question appears innocuous, the buyer is not told what it implies. Schober cautioned that attempts to nullify the customer's right to rescind by having him check a box might not stand up in court. But, he said, if the seller could talk customers into copying out such a statement in their own handwriting, that might work. ("The Federal Reserve Board," he said, "is not a consumer oriented agency.")

Ronald Dolan, a young Federal Trade Commission lawyer, explained to the developers how they could continue to advertise their land extravagantly without violating the advertising requirements of Truth in Lending. Since advertisers cannot mention specific sales terms without stating fully the cost of credit, many realtors, he said, are now fuzzing up their advertising copy. They avoid specific references to cost, instead use vague terms like "low cost financing," "bank financing available," or "easy credit terms." Although "easy terms" seems to imply that rates are lower than customary financing charges or that the payment period is longer, the FTC has voiced no formal objection to such circumlocutions.

The real estate men at the seminar spent their time between sessions sharing sales tips and carping about the government ("These —— people don't even know themselves what they're doing"), and the red tape they must now wade through to make a marginally honest dollar. But some of them were grateful for the government's solicitude. For, intentionally or not, officials had helped them put the con back in consumer.

The cram course in creditor education may be followed up by comparably explicit consumer education. HUD is preparing radio and television spot announcements to be aired in 200 major US markets explaining the new laws. The announcements ought to tell land buyers not to decide too quickly that they aren't going to live on the land year-round, since that is selling away their right to cancel a contract they may later regret. The ads ought to make customers take special note of Item 20 on property reports (criminal actions, shaky companies). They ought to emphasize that if one doesn't see the land he is buying before he signs, the sale is no good; that property reports are important even if sellers play them down; that advertisers who promise easy credit may have something to hide.

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Crumbling of the Old Order

Law Schools and Law Firms

by Ralph Nader

It was a similar ritual every year. About 550 new law students would file into venerable Austin Hall at Harvard Law School on a September day and hear the no-nonsense dean, Erwin N. Griswold, orient them. The good dean had the speech down to a practiced spontaneity. He advised them that at that instant they had become members of the legal profession, that law firms were the backbone of the profession, that there were no glee clubs at the Harvard Law School and that the law was a jealous mistress. Thus was launched a process of engineering the law student into corridor thinking and largely non-normative evaluation. It was a three-year excursus through legal minutiae, embraced by wooden logic and impervious to what Oliver Wendell Holmes once called the "felt necessities of our times." It is not easy to take the very bright young minds of a nation, envelop them in conceptual cocoons and condition their expectations of practice to the demands of the corporate law firm. But this is what Harvard Law School did for over a half century to all but a resistant few of the 40,000 graduates.

The Harvard Law pattern – honed to a perfection of brilliant myopia and superfluous rigor – became early in the century the Olympian object of mimicry for law schools throughout the country. Harvard also did everything it could to replicate its educational system through its production of law school teachers, casebooks, and an almost proselytizing zeal. This system faithfully nourished and fundamentally upheld a developing legal order which has become more aristocratic and less responsive to the needs and strains of a complex society. In turn, the established legal order controlled the terms of entry into the profession in ways that fettered imagination, inhibited reform and made alienation the price of questioning its assumptions and proposing radical surgery.

Unreal as it may appear, the connection between the legal establishment and the spectacular increase in the breakdown of the legal system has rarely been made outside the fraternity. This is due to the functional modesty of the profession, its reluctance to parade itself as the shaper, staffer and broker for the operating legal framework in this country. What is not claimed is not attributed. This escape from responsibility for the quality and quantity of justice in the relationships of men and institutions has been a touchstone of the legal profession.

Anyone who wishes to understand the legal crises that envelop the contemporary scene – in the cities, in the environment, in the courts, in the marketplace, in public services, in the corporate-government arenas and in Washington – should come to grips with this legal flow chart that begins with the law schools and ends with the law firms, particularly the large corporate law firms of New York and Washington.

Harvard Law's most enduring contribution to legal education was the mixing of the case method of study with the Socratic method of teaching. Developed late in the nineteenth century under Dean Christopher Columbus Langdell, these techniques were tailor-made to transform intellectual arrogance into pedagogial systems that humbled the student into accepting its premises, levels of abstractions and choice of subjects. Law professors take delight in crushing egos in order to acculturate the students to what they called "legal reasoning" or "thinking like a lawyer." The process is a highly sophisticated form of mind control that trades off breadth of vision and factual inquiry for freedom to roam in an intellectual cage.

The study of actual law cases – almost always at the appellate court level – combines with the Socratic questioning sequence in class to keep students continually on the defensive, while giving them the feeling that they are learning hard law. Inasmuch as the Socratic method is a game at which only one (the professor) can play, the students are conditioned to react to questions and issues which they have no role in forming or stimulating. Such teaching *forms* have been crucial in perpetuating the status quo in teaching *content*. For decades, the law school curriculum reflected with remarkable fidelity the commercial demands of law firm practice. Law firm determinants of the content of courses nurtured a colossal distortion in priorities both as to the type of subject matter and the

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dimension of its treatment. What determined the curriculum was the legal interest that came with retainers. Thus, the curriculum pecking order was predictable – tax, corporate, securities and property law at the top and torts (personal injury) and criminal law, among others, at the bottom. Although in terms of the seriousness of the legal interest and the numbers of people affected, torts and criminal law would command the heights, the reverse was true, for the retainers were not as certain nor as handsome. Courses on estate planning proliferated, there were none for environmental planning until a few years ago. Other courses dealt with collapsible corporations, but the cupboard was bare for any student interested in collapsing tenements. Creditors' rights were studied deeply; debtors' remedies were passed by shallowly. Courses tracking the lucre and the prevailing ethos did not embrace any concept of professional sacrifice and service to the unrepresented poor or to public interests being crushed by private power. Such service was considered a proper concern of legal charity, to be dispensed by starved legal aid societies.

The generations of lawyers shaped by these law schools in turn shaped the direction and quality of the legal system. They came to this task severely unequipped except for the furtherance of their acquisitive drives. Rare was the law graduate who had the faintest knowledge of the institutionalized illegality of the cities in such areas as building and health code violations, the endemic bribing of officialdom, the illegalities in the marketplace, from moneylending to food. Fewer still were the graduates who knew anything of the institutions that should have been bathed in legal insight and compassion – hospitals, schools, probate and other courts, juvenile and mental institutions and prisons. Racialism, the gap between rich and poor, the seething slums – these conditions were brought to the attention of law firms by the illumination of city riots rather than the illumination of concerned intellects.

Even the techniques of analysis – the ultimate pride of the law schools – were seriously deficient. Techniques which concede to vested interests a parochial role for the law and which permit empirical starvation of portions of their subject matter become techniques of paralysis. This was the case in the relation of tort courses and motor vehicle injuries. Law as prevention, law as incorporator of highway and vehicle engineering facts and feasibilities was almost totally ignored. The emphasis was on legal impact after crashes occurred, so as to assign liabilities and determine damages between drivers. Another failure in analysis was thematic of the entire curriculum. Normative thinking – the "shoulds" and the "oughts" – was not recognized as part and parcel of rigorous analytic skills. Although the greatest forays in past legal scholarship, from the works of Roscoe Pound to those of Judge Jerome Frank, proceeded from a cultivated sense of injustice, the nation's law schools downplayed the normative inquiry as something of an intellectual pariah. Thus the great legal challenges of access to large governmental and corporate institutions, the control of environmental pollution, the requisites of international justice suffered from the inattention of mechanized minds. There was little appreciation of how highly demanding an intellectual task it was to develop constructs of justice and injustice within Holmes' wise dictum that "the life of the law is not logic, it is experience." Great questions went unasked, and therefore unanswered.

Possibly the greatest failure of the law schools – a failure of the faculty – was not to articulate a theory and practice of a just deployment of legal manpower. With massive public interests deprived of effective legal representation, the law schools continued to encourage recruits for law firms whose practice militated against any such representation even on a sideline, *pro bono* basis. Lawyers labored for polluters, not anti-polluters, for sellers, not consumers, for corporations, not citizens, for labor leaders, not rank and file, for, not against, rate increases or weak standards before government agencies, for highway builders, not displaced residents, for, not against, judicial and administrative delay, for preferential business access to government and against equal citizen access to the same government, for agricultural subsidies to the rich but not food stamps for the poor, for tax and quota privileges, not for equity and free trade. None of this and much more seemed to trouble the law schools. Indeed, law firms were not even considered appropriate subjects of discussion and study in the curriculum. The legal profession – its organization, priorities and responsibilites – were taken as given. As the one institution most suited for a critical evaluation of the profession, the law school never assumed this unique role. Rather, it serviced and supplied the firms with fresh manpower selected through an archaic hierarchy of narrow worthiness topped by the editors of the school's law review. In essence it was a trade school.

The strains on this established legal order began to be felt with *Brown vs. Board of Education* in 1954. *Brown* rubbed the raw nerves of the established order in public. The mounting conflict began to shake a legal order built on deception and occult oppression. The ugly scars of the land burned red. Law students began to sense, to feel, to participate, and to earn scars of their own. Then came the Kennedy era with its verbal eloquence, its Peace Corps – overseas and later here.

Ralph Nader *has become a national institution, the unpaid representative of the public interest before Congress and the regulatory agencies. He is board chairman of the new Center for Study of Responsive Law in Washington and has contributed to* The New Republic *since 1965.*

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Then came Vietnam and Watts, Newark and the perturbation became a big-league jolt. Law students began to turn away from private practice, especially at the Ivy League law schools. Those who went directly to the firms were less than enthusiastic. The big corporate firms in New York and Washington began to detect early signs that their boot camps were not responding to the customary Loreleis of the metropolitan canyons. Starting salaries began to reflect the emergence of a seller's market. Almost two years ago, the big New York Cravath firm set a starting salary of $15,000 a year and many firms followed. Still the law graduate detour continued. The big firms began to promise more free time to engage in *pro bono* work – the phrase used to describe work in the public interest such as representing indigents. The young graduates were still dissatisfied – first over the contraction of the promises and second over the narrow interpretation given to *pro bono* work.

At the same time, more new or alternative career roles in public service began to emerge. Neighborhood Legal Services, funded by OEO, was manned by 1,800 young lawyers around the country at last count. The draft is driving many graduates into VISTA programs. There are more federal court clerkships available. And the growth of private, public-service law institutions such as Edgar Cahn's Citizen's Advocate Center and the Urban Law Institute headed by his wife, Jean Cahn, are not only providing such career roles but articulating their need throughout the country.

Meanwhile back at the law schools, student activism has arrived. Advocacy of admission, curriculum and grading reform is occurring at Harvard and Yale. Similar currents are appearing at other law schools. New courses in environmental, consumer and poverty law are being added to the lists. The first few weeks of the present school year indicate that the activists' attention is turning to the law firms that are now coming on campus to recruit. In an unprecedented move, a number of detailed questionnaires, signed by large numbers of students, are going out to these firms. The questions range far beyond the expected areas of the firms' policies on minority and women lawyers, and *pro bono* work. They include inquires about the firms' policies on containing their clients' ambitions, on participation in law-reform work, on conflict of interest issues, on involvement in corporate client and political activity, and on subsidizing public-interest legal activity. Such questionnaires are preliminary to the development of courses on law-firm activities, and to more studies of specific law firms, which began this past summer with a study of the largest Washington, D.C. firm, Covington and Burling.

COMING: "Your Time Is Their Time"—a report on the television game by Arthur Alpert

The responses which the firms give to these questionnaires, and whatever planned response the students envisage for those firms who choose not to reply, will further sharpen the issues and the confrontations. The students have considerable leverage. They know it is a seller's market. They know how vulnerable these very private firms are to effective public criticism. Status is crucial to these firms. Status is also a prime attraction for competent law school graduates.

In recent months, there has been much soul-searching among the larger firms. Memos suggesting various opportunities for *pro bono* work by younger associates have been circulating between partners. A few decisions have been made. Some New York and San Francisco firms are considering or have instituted time off allowances ranging from a few weeks a year to a sabbatical. Piper & Marbury, a large Baltimore firm, has announced its intention to establish a branch office in the slums to service the needs of poor people, without charging fees if there is an inability to pay anything. Arnold and Porter, the second largest Washington, D.C. firm, has appointed a full time *pro bono* lawyer and is permitting all firm members to spend, if they wish, an average of 15 percent of their working hours on public service activities. Hogan and Hartson, the third largest D.C. firm, is setting up a "Community Services Department" to "take on public interest representation on a non-chargeable or, where appropriate, a discounted fee basis," according to the firm's memorandum on the subject.

The Hogan and Hartson memorandum is a fairly candid document. Like other firm memorandums on *pro bono* ventures, there is the acknowledgment that such a move "may have a favorable impact upon recruitment." The executive committee of Hogan and Hartson concedes that "there is a tendency among younger lawyers, particularly those with the highest academic qualifications, to seek out public-service oriented legal careers as an alternative to practice in the larger metropolitan law firms." In its internal firm statement, the committee notes that it "regards the relative disfavor into which the major law firms have fallen to be attributable, at least in part, to the feeling among recent law school graduates *that these firms have failed to respond to the larger problems of contemporary society.*" (Their emphasis.) Some statistics impressed the senior partners: the University of Michigan Law School reports that 26 of its 1969 graduates entered Wall Street law firms as compared with an

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average of 75 in preceding years. Harvard Law School reported that the percentage of its graduates entering private law practice declined from 54 percent in 1964 to 41 percent in 1968, and an even more significant decline is expected in the next few years.

It is too early to appraise these programs because they have not yet gotten underway. The likelihood that serious or abrasive conflict of interest situations will arise depends on the kind of *pro bono* work selected. If this work deals with "band-aid law" in the slums on a case basis, few conflict of interest problems should arise. On the other hand, should the *pro bono* lawyers grapple with the financial institutions who fund the slum moneylenders for example, or strive toward structural reform of a legal institution, then the probability of conflict is increased.

Because of the enormously greater cost-benefit which attached to the more basic *pro bono* efforts, the external and internal pressures on the firm's leaders will be in that direction. This could lead to more profound clashes between the firm's allegiance to its paying clients and its recognition of public service responsibilities. With additional law student and younger lawyer demands for cash contributions for scholarships to minority law students, for admission of more minority lawyers to firm membership, and for senior partners to pay "reparations" out of their own salaries to assist the legally deprived – all demands made or in the process of being made – the pressure may soon exceed the firms' threshold of tolerance. At that point the experiment in *pro bono* may terminate.

Whatever the outcome, the big firms will never be the same again. They will either have to dedicate substantial manpower and resources to public service, and somehow resolve the conflict of interest problem, or they will decline in status to the level of corporate house counsel or public relations firms. The polarization of the legal profession seems a more likely development. Before he left Harvard almost two years ago to become US Solictor General, Dean Griswold wrote of his belief that there would be a "decline in the relative importance of private law practice as we have known it in the past." This trend is in fact occurring as far as the younger lawyers' concept of importance is concerned. However, the immense power of these firms and their tailored capacity to apply know-how, know-who and other influences remains undiminished.

Recent evidence of the resourcefulness of large corporate law firms in overwhelming the opposition on behalf of its clients comes from the firm of Wilmer, Cutler and Pickering. A firm team, headed by Lloyd Cutler, obtained last month on behalf of the domestic auto companies a feeble consent decree in return for the Justice Department's dropping its civil antitrust case charging the domestic auto companies with conspiracy to restrain the development and marketing of pollution control systems since 1953. Earlier Mr. Cutler succeeded in having the Antitrust Division heed his representations that the original policy to initiate criminal proceedings, after an 18-month grand jury strongly wanted to return an indictment, be dropped. The terms of the consent decree are being challenged by a number of cities in federal district court at Los Angeles. The petitioners allege that there are inadequate provisions for disclosure of the conspiracy information and for long-term compliance, and that the great deterrent effect of a public trial was lost. Without going into further detail, it is sufficient to state that many law students and younger lawyers see a divergence in such a case between the lawyer's commitment to the public interest and his commitment to the auto industry.

Professor Charles A. Reich of Yale Law School expressed one form of this heightened expectation of the lawyer's role as follows: "It is important to recognize explicitly that whether he is engaged publicly or privately, the lawyer will no longer be serving merely as the spokesman for others. As the law becomes more and more a determinative force in public and private affairs, the lawyer must carry the responsibility of his specialized knowledge, and formulate ideas as well as advocate them. In a society where law is a primary force, the lawyer must be a primary, not a secondary, being."

The struggle of the established law firms to portray themselves as merely legal counselors affording their corporate clients their right to legal representation is losing ground. So too is their practice of hiding behind their responsibility to those clients, and not taking the burden of their advocacy as the canons of ethics advise them to do wherever the public interest is importantly involved. Either they are technical minions or they bear the responsibility attendant upon their status as independent professionals.

Clearly, there is need for a new dimension to the legal profession. This need does not simply extend to those groups or individuals who cannot afford a lawyer. It extends to the immense proliferation of procedural and substantive interests which go to the essence of the kind of society we will have in the future, but which have no legal representation. The absence of remedy is tantamount to an absence of right. The engineer of remedies for exercising rights is the lawyer.

The yearning of more and more young lawyers and law students is to find careers as public-interest lawyers who, independent of government and industry, will work on these two major institutions to further the creative rule of law. The law, suffering recurrent and deepening breakdowns, paralysis and obsolescence, should no longer tolerate a retainer astigmatism which allocates brilliant minds to trivial or harmful interests.

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Stanley Kauffmann on theater

Hello and Goodbye
(Sheridan Square Playhouse)

The Ofay Watcher
(Stage 73)

The American Hamburger League
(The New Theater)

The New York theater and those around it have promised us a lean season, and so far everyone has kept his word. Of the four new plays I have seen off Broadway – this year Broadway itself doesn't begin until the end of September – the best has not been of much consequence. But there is some cheer to report. Three of the four productions were adequately directed, acted, designed, and there were elements in each that were better than that.

The increased costs of off-Broadway production are apparent. All these plays had one setting and small casts: the giant had six actors, one had three actors, and one had two. The last was *Hello and Goodbye* by Athol Fugard, a South African. It concerns a brother and sister, poor whites in Port Elizabeth, who meet after a 15-year separation. Martin Sheen, of *The Subject Was Roses* and of Joseph Papp's jungle-gym *Hamlet*, is the brother, a semi-loony young man who is sane enough to have some view of himself as a son dominated by a crippled, tyrannical father. Sheen has a bright attack, vocally and physically, that almost carries the role over its windy chasms of rhetoric. His effect is a bit larky for the pathos that presumably Fugard wanted, but he is interesting and live. Colleen Dewhurst plays his (older) sister who comes home after long absence to claim her share of the father's estate, not aware that he is already dead but feeling that the end is near. Miss Dewhurst is one of my grievances against our theater, and against fate generally. She was born to be a great actress, and she has not achieved it – not yet, anyway. I'm not going to speculate about the reasons; some of them are doubtless out of a critic's province; but insofar as our theater is responsible (although she has had a few great roles), it has sinned. When she steps on stage, she still opens the old wound in me because she is so clearly one actress in a thousand. She is fine in this play (and she has not always been fine), but good as she is, she hints at something beyond, in the highest range. A world comes in with this character, there is no busyness of manufacture, it just comes in with her: vision that is clear enough to have seen the bottom, sardonic resignation, majestic animal power, the ability to generate sheer quiet. And again the hint that, if the play had been better or if the cosmos had been organized a few atoms differently, we might have seen a great performance.

William Ritman's set breaks open a poor-white shack in a way that makes the struggle for possession seem all the more degrading. Barney Simon has directed with intelligence and a sense of dynamics, but he has made the conceptual boner of letting the action spill into the aisles of this theater-in-the round. Realist plays should stay at home, in an area of non-reality.

Fugard's previous play, *The Blood Knot*, was also a two-character work, about two South African brothers, one of whom is dark-skinned, a frequently effective small parable about race and about the stark condemnation of all men to live linked inseparably. It is not much less grandiosely written or better conceived than *Hello and Goodbye*, but the racial element in it makes it more arresting and resonant. Both Fugard's plays are heavily influenced by O'Neill, and for us this is more a burden than a benefit. Just as many of Arnold Wesker's plays seem postdated Odets in America, so Fugard's new play seems something that the Provincetown Playhouse should have been doing in 1920 as a breakthrough in moral candor and the symbolic power of realistic detail. The returning daughter finds the father dead and the inheritance nonexistent, so she leaves again to face the future alone; the stay-at-home son stays at home still, deliberately forging his shackles to the past. The neo-Greek doom of families, with Pa's crutches and Ma's perfume as the equivalents of pursuing demons, with poverty as proof that we are close to the bone in human truth – no, the mode is virtually exhausted for us. Only a dramatist of huge, revitalizing intensity, which Fugard for all his sincerity is not, could turn this play from a series of stagy "meanings" to real meaning.

The Ofay Watcher by Frank Cucci has three characters, two of them black. Terry Kiser plays a young white scientist who has discovered a drug that will bleach black skin. The character, as such, is the faceless young WASP of a thousand comedies, the hero of *Barefoot in the Park* adjusted to 1969 and in a different job. I have seen Kiser previously only in neurotic roles (for instance, the evangelist in *Rachel, Rachel*). He handles this straight part with breeze and appeal, despite a certain fixed stare. Billie Allen, his black girlfriend, has patches of strain in her voice and is more of a whipped-up "behaver" than an actress, but she doesn't have a complex part to let down and she doen't let it down much, anyway. (Besides, she has one of the best figures on the New York stage. What legs!) But the reward of the evening is Cleavon Little as the scientist's black subject for experiment. We first see Little (a tramp) sleeping on a park bench, and the moment he opens his eyes, he enters on about three or four different levels: a performer, an actor, a commentator, a ringmaster of the stage. Little's performance of the mysterious vagabond is a glittering vaudeville played by the character himself, who in turn is played by Little. All this is clear, easy, rich. Among his assets is a lovely power of movement. At one point he is half-reclining on a sofa when Kiser accuses him of something, and he just flows up swiftly to confront Kiser in an arc of indolent threat, a staggering little throwaway gesture of an acting *body*.

Dahl Delu's setting (well, settings; there is a prologue in front of a "traveler") is so right it even seems to smell right; and Jerry Adler's direction feels out the comic impulses in the script with surety.

Most reviews of Cucci's play have pointed out that it is schizoid. What starts out and continues as a comic sci-fi allegory suddenly goes grim at the end as it leaves allegory for realism. True enough, but I see this schism less as a flaw in art than as lazy irresponsibility. Cucci has an exceptional gift

(Continued on page 33)

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Reed Whittemore on verse

Pieces
by Robert Creeley

(Scribners; $4.50)

Let it be chronicled that in the Terrible Sixties scores of poets banded together and went about the country telling people off. The people needed telling off, of course, and seemed to like hearing of their deficiencies of language and feeling; but the evangelicism of the poets confused them some (after all, the poets kept preaching that poetry itself was not preaching). Still, a little confusion about poetry was hardly new, and some of the poets were marvelously forceful. At least *they* weren't confused.

Among the most respected of the crusading poets was Robert Creeley, who looked the perfect non-crusader. He was shy, reticent, uncontaminated by any sort of platform exhibitionism. His poems were strange and ended suddenly; they said quiet things about immediacy and love; sometimes they were funny and tricky; always they were low-keyed and anti-rhetorical. Creeley didn't seem a preacher-teacher type at all, except that there he was preaching and teaching.

Now the sixties are ending. One more Creeley book has sneaked in under the wire, and I must report that it shows us Creeley preaching and teaching shamelessly. Even the pose of anti-preach is abandoned; I keep being reminded of the famous poem by MacLeish I have never liked, where he laboriously distinguishes between meaning and being, and sticks poetry with the latter. Creeley is not so pretentious, but he is on the same kick. He keeps giving us classroom demonstrations of how poetry works. Some of the demonstrations are comical and gamey, some are serious commitments; but all or nearly all have the demonstration manner about them. The teacher in Creeley has gotten the better of the poet, so that even as he preaches immediacy and directness he sounds faintly abstract and bemused, a man drawing illustrations of life on a blackboard.

One of the chief demonstrations has to do with the notion of a poem as a unity, a one. Creeley is bored to pieces with poets and critics who insistently treat a poem as an inviolable aesthetic and intellectual whole; therefore, he has named his book *Pieces* and has pieced it together so that all the conventional white space around the beautiful unities called poems is missing. Where a piece begins or ends is obscure. Good idea. The book is meant to seem less like a formal book of poems than notes from a poet's journal. Unfortunately the idea is undermined by the constant pedagogy. The pedagogy makes the informality seem a teacher's device rather than an attempt on the part of the poet to tell us his private thoughts. The notebook seems a hoked-up notebook, a notebook for classroom use to show that poems are put together like notebooks.

There are other demonstrations. Creeley is against metaphor and simile. He is against the war, the government, politicians. He is against details, plots, knowledge. All these annoyances provide him with opportunity for small lectures.

Then there are numbers, which he seems to like (perhaps he would like to teach math?), and they provide him with the longest unified sequence in the book – a series of reflections about the numbers one to nine and then zero. Zero is apostrophized thus:

> What
> by being not
> is – is not
> by being.

The classroom or demonstration flavor of it all finally threw me off completely. Even what I agreed with I didn't like. Theoretically I sympathized, for example, with his efforts at informality and piecemealness, if only because I have been exhausted by poets mapping out the shapes of their poems at readings ("Now I begin the second part of my seventh section, in which . . ."). Yet, theory aside, I found the fragmentation of *Pieces* oppressive. Instead of the sense of informality and immediacy that the pedagogue was beaming my way, I got a sense of emotional and experiential emptiness. I am much too old and confused to have clear notions of what a poem should be, but as a teacher-poet I feel the doubleness of my life keenly. And when a poem of my own emerges as

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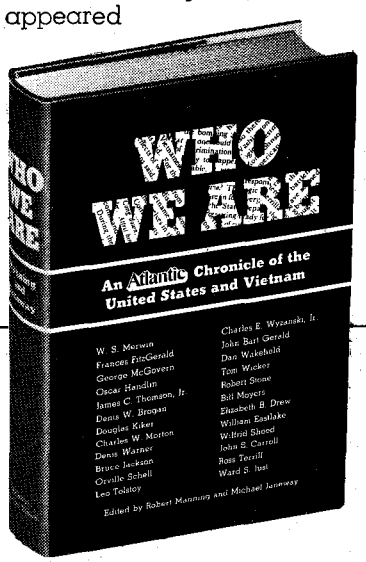

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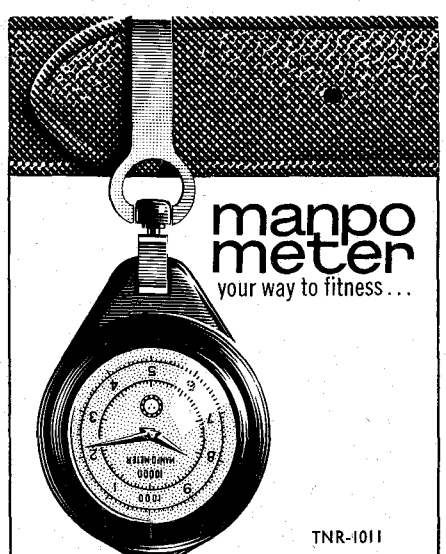

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merely a demonstration, an illustration, an instance of some fine aesthetic device, I feel bad; then I think I haven't written a poem but a lecture. Creeley made me feel this way constantly in *Pieces*. Luckily it was Creeley, not me, lecturing.

I blame Creeley's trouble on the company he has been keeping, the company of other poets and of the sixties. Before the sixties the company of other poets produced at worst an excessive aestheticism, an unnecessary preoccupation with literary matters. The Terrible Sixties added several measures of social indignation and missionary zeal that in this book Creeley seems to have swallowed completely.

This is too bad, some sort of error at the factory. The normal flow of Creeley's aesthetic energy remains in the other direction, to the rendering of private experience cleanly and without side. May the seventies restore us all.

John Osborne: Nixon Through the Tube

The Selling of the President 1968 by Joe McGinniss

(Trident Press; $5.95)

This book is the best thing that's happened to Richard Nixon since somebody told him to stop wiggling those fingers. The author, Joe McGinniss, has done the President the immense and obviously unintended favor of showing him to be the normal, temperish, profane, vulnerable adult male that his spokesmen at the White House keep insisting he isn't. They are under the illusion that Mr. Nixon is best served by making him out to be superhumanly calm, beyond disturbance – a Presidential potato. On September 23, for instance, Press Secretary Ronald Ziegler denied a report that the President had been "infuriated" by premature disclosure of his plans for troop withdrawal from Vietnam, and brought on the following exchange with correspondents:

> Q.: Nothing has angered or upset him?
> Ziegler: I haven't seen him angered or upset at all.
> Q.: For how long a time?
> Ziegler: For quite awhile – since January 20.

Joe McGinniss informs us – and accurately, I am told by some of the men who figure in this book and who still work for Nixon – that he wasn't like that during the campaign last year. At a TV taping session in October, he referred to "the damn Negro-Puerto Rican groups" who were trying to get control of their public schools in New York City and said to Frank Shakespeare, a CBS executive who now is Nixon's USIA director: "I don't care whether they're white or whoever the hell they are. When they hit the teachers over the head, goddamit, they have no right to run the school." He remarked on another occasion that a hostile questioner on one of his staged TV panel shows could have "screwed" him. Frank Shakespeare thought Nixon capable of saying – "in private, of course," under sufficient provocation from the printed press – that "those liberal bastards are fucking me again."

Shakespeare and the other campaign staffers who managed the Nixon TV effort last year would have saved themselves a lot of pain and deprived us of the most interesting account yet written of the 1968 race for the Presidency if they had troubled to check on the beguiling young man (aged 26) who presented himself to them in June. As they recall it, he said that he wanted to research and write a studious, philosophic account of the role of the elec-

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tronic media in modern Presidential politics. No quotes; nothing that would embarrass anybody; a book, they were led to expect, that would deal in soporific generalities and take them and their expertise with stultifying gravity. Any Philadelphia journalist, or indeed any reader of McGinniss' column in the *Philadelphia Inquirer*, could have told them how ludicrous this was. McGinniss was known in Philadelphia as something of a journalistic prodigy, a sharpshooter with minimal regard for reportorial niceities and a special appeal to young readers. His disrespectful treatment of the city police had alienated his publisher, Walter Annenberg (now Nixon's Ambassador to Great Britain), leading to rumors that Annenberg was about to leave McGinniss when McGinniss left Annenberg in order to write the book. The fact seems to be that Joe McGinniss did a thorough job of conning Shakespeare; Leonard Garment, a Nixon law partner who supervised the promotional experts and is now one of the more intelligent White House assistants; Harry Treleaven, a hotshot advertising man who now directs the Republican National Committee's public relations; and, from a distance, the awesome John Mitchell, now the Attorney General and, according to the President, his closest domestic adviser. Garment, Treleaven, and Shakespeare admitted McGinniss to their private councils, let him observe the electronic promotion of Candidate Nixon at first hand, and lately have had the pleasure of reading some of their confidential memos to each other in the book's appendix.

I am supposed, I gather, to be frightened by the evidence in those documents and in McGinniss' rich store of intimate quotations that enormous thought and effort went into remaking Richard Nixon for television and into projecting an image so different from "the real Nixon" as to constitute a massive fraud upon the electorate. In that exercise, McGinniss suggests, we have the ultimate fulfillment of the worst conceptions of Marshall McLuhan and of Daniel Boorstin, whose testaments to the shaping power of television are frequently cited. Well, after reading and rereading the McGinniss account, I am reassured. It didn't work. All of that effort, all of those millions spent for television accomplished – what? Essentially the same Richard Nixon whom I followed in person around the country came

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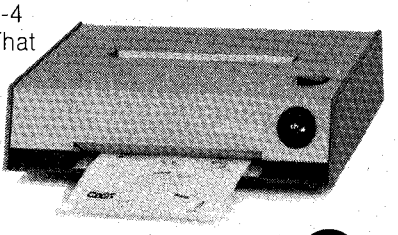

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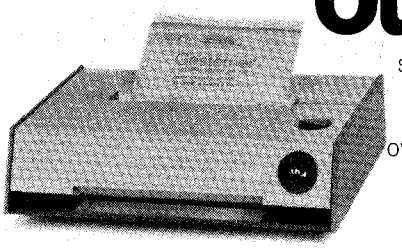

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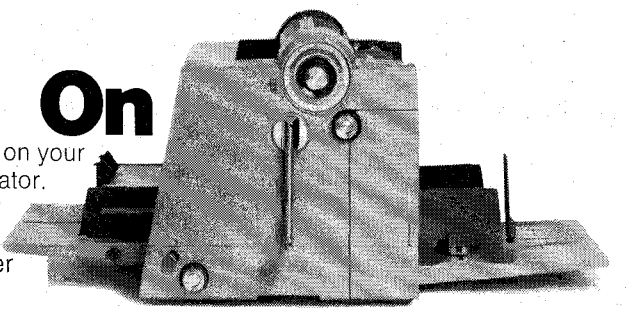

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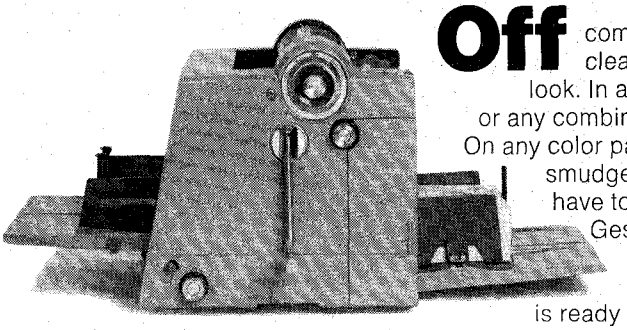

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across to the country through the tube. Frank Shakespeare is quoted as saying early in the campaign that "without television he wouldn't have a chance. With it, he cannot lose." With it, he very nearly lost and for this, according to McGinniss, there was a reason that in my opinion does Nixon credit. After a period of initial uncertainty, when he was telling the TV boys, "You fellows just tell me what you want me to do and I'll do it," he rebelled and insisted on being himself again. McGinniss, reflecting the outrage of his television pals, tells what began to happen in September:

> So Nixon began to pull back. The desperation he had felt in early spring was gone. He was leading now. He was going to win. He would continue to run a television campaign, yes; it was the easiest way to dodge the press. But he would do it his way from now on. . . . He would show them he could be just as dull and artificial on television as he had ever been in person.

He'd never been anything else, in fact, and he still is that in the Presidency, at the White House on observed occasions and at his press conferences and other televised appearances. It is for the unobserved but overheard and intimately quoted Nixon that I value the McGinniss account. It is useful to know that the President has a horror of psychiatrists – Leonard Garment vetoed the appearance of one on a Nixon campaign show – and that he curses when he's angry. Whatever we have in the Nixon Presidency, we don't have a potato. Maybe Nixon should hire Joe McGinniss.

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Peter Jacobsohn: An Artistic Brotherhood

The Bauhaus
by Hans Maria Wingler

(M.I.T. Press $42.50)

The Bauhaus was an attempt to replace the imitations of historic styles in art, architecture, and design that had dominated the 19th century by a single authentically contemporary style. It was the most intrepid and concerted attempt to do so to date, and Herr Wingler's book, which appears coincident with the fiftieth anniversary of the founding of the Bauhaus, is a sharply poignant reminder of the glories and failures of the most brilliant experiment in the history of modern art. It is a necessary reminder, because there clings an aura of wish fulfillment to our sense of the Bauhaus – we overestimate its success.

Ostensibly, the Bauhaus's mission was purely artistic. It set out to ally art and technology, a goal that has engaged the minds of many artists since the beginning of the century. Beyond this, it was also a social experiment, designed, in the words of its founder Walter Gropius, to counter "the predominantly materialistic mentality of our age and the defective and unreal articulation of the individual to the community." To put the matter in its historical context, the Bauhaus was born and died with the Weimar Republic in a Germany full of hope and despair, and was an effort at artistic brotherhood and liberation in a society of mounting doubt and discontent.

The radicalism of the Bauhaus consisted primarily of its attitude towards the machine. The artists of the 19th century had hated the machine. The multiplicity of their imitations of historic styles, as well as attempts such as William Morris's to recreate the values of the medieval world through the rebirth of handicrafts, show that they had not reconciled themselves to an increasingly technological environment. But by the early 1920s the machine was, certainly in Germany, venerated like Baal. Partly it was merely a fashionable aesthetic gesture, but in essence it was an act of propitiation. The machine and mass production, far from being the enemy, were to help build the new world. Expressionism, Futurism, Dadaism, Cubism, Constructivism, Nonobjective Art – all are progeny of the nexus between art and the machine age and all were at various times promoted and fiercely debated at the Bauhaus. The Bauhaus, in fact, became the focus for organizing and formalizing this radical break with the past.

It is doubtful whether a school like the Bauhaus could have come into existence in any other country than Germany, quite apart from the German penchant for theorizing and teaching. As S. Giedion has pointed out, because Germany had industrially long lagged behind France and England, its development in the 19th century had been unique. Only when it had caught up with industrial Europe did it return to its traditional interest in and support of the arts. Thus in Germany around 1900 Ruskin and Morris suddenly became *en vogue*, a decade later Frank Lloyd Wright's books were sumptuously published in German translation long before they saw the light of day in his native country, and one of the founding fathers of *art nouveau*, the Belgian Henry van de Velde, was invited to become head of the Weimar Academy of Arts and Crafts.

The Bauhaus was built on the ideals of the *Werkbund*, an association of artists, craftsmen, and manufacturers, which was founded in 1907 with the aim of improving design in architecture and industry and of encouraging standardization in both fields. Walter Gropius, who had been trained in the office of one of the pioneers of modern architecture, Peter Behrens (as had been Mies van der Rohe and, for a short span, Le Corbusier), had been one of the more active members of the *Werkbund*. He had designed the famous administration building for the *Werkbund* exhibition in 1914 and was already one

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of Germany's leading architects when, in 1919, on van de Velde's recommendation, he was appointed head of the Weimar academy, which he soon renamed Bauhaus.

Throughout the nine years of his tenure, Gropius succeeded in being both successful and respected by a staff of often mettlesome individualists. It is impossible to overestimate Gropius's stature. Although himself a man of worldwide reputation, he still possessed the extraordinary human and diplomatic qualities required to bring together men of such different temperaments as Paul Klee, Wassily Kandinsky, Lyonel Feininger, Laszlo Moholy-Nagy, Marcel Breuer, Josef Albers, Johannes Itten, Herbert Bayer, and Oskar Schlemmer. With both staff and students he dealt as equals, partly because he believed in the beneficent effect of the clash of artistic viewpoints. Notwithstanding recurrent financial crises and internal dissensions, this attitude on Gropius's part helped shape the Bauhaus into a remarkably kaleidoscopic whole, in which personalities of very different hue and contour all seemed to fit together. Equally important was Gropius's insistence that each course be taught by an artist (*Formmeister*) and a craftsman (*Lehrmeister*). "Proficiency in a craft," he said, "is essential to every artist." This commingling of the artist and the craftsman did indeed result in the desired fusion of art and technology. Many Bauhaus designs were eagerly accepted by industry and brought a considerable income from royalty payments.

As a public institution dependent on public monies, from the very beginning the Bauhaus was subject to attacks not only from the dispossessed Weimar academicians, but from the right wing in Germany, whose offensive against humanism in general and the avant-garde in particular gained strength with the accelerating decline of the Weimar Republic. The Bauhaus was driven from Weimar to Dessau in 1925, and from there to Berlin in 1932.

Intramural conflicts, on the other hand, which at times seemed to tear the school apart, actually tended to strengthen it. Thus the contest between two now almost forgotten figures, Johannes Itten and Theo van Doesburg, played an important role in the development of the Bauhaus. Itten sought almost mystical personal salvation through art, fitted himself and his students out with Nehru jackets and other

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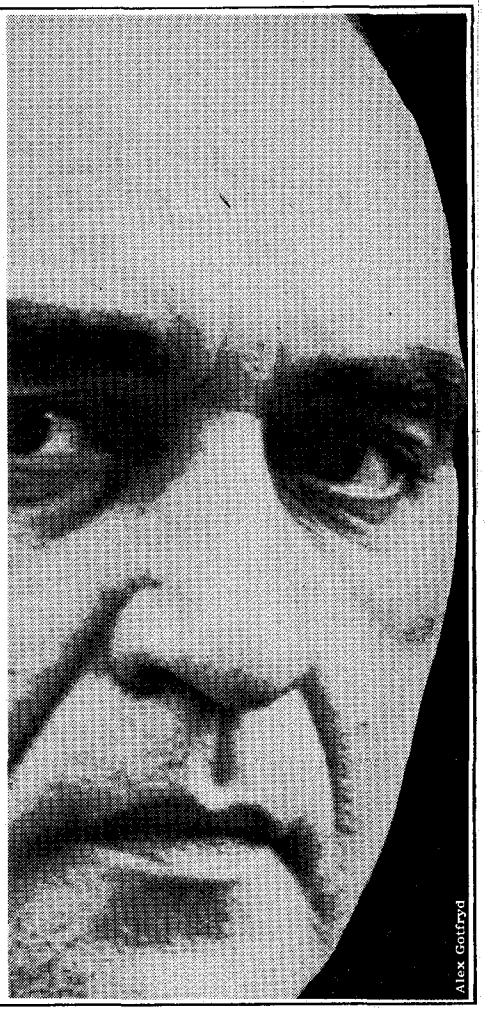
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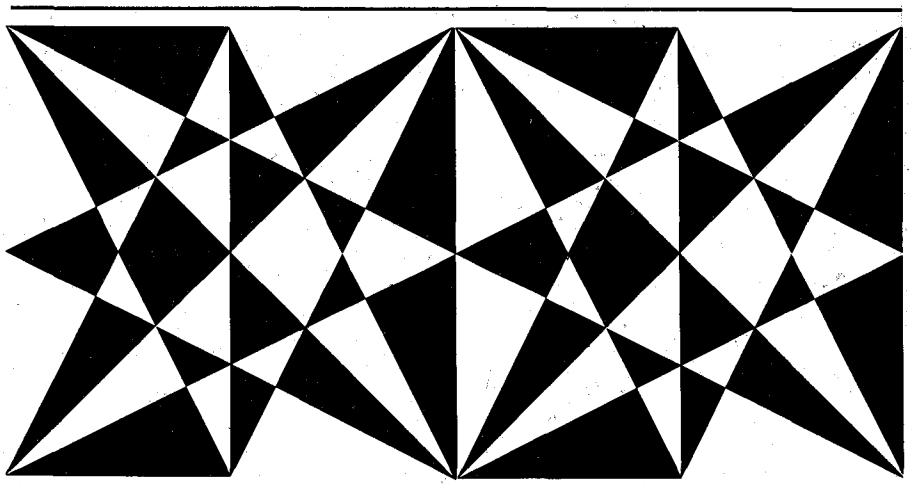

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costumes, and introduced to the Bauhaus a health diet with a noticeable admixture of garlic. His famous *Vorkurs*, an introductory course, was in many respects the foundation of the Bauhaus. It was intended to rid the student of any previous academic training, to instill in him a feeling for the materials he worked with, and to make him experience the problems of his work with his whole personality. Itten was mainly responsible for attracting Klee, Kandinsky, and Schlemmer to the school and was, in Herr Wingler's words, "the most influential and persuasive personality on the staff during the early years." But the growing disparity between his aims and methods and those of Gropius led to Itten's resignation in 1923. Theo van Doesburg arrived in Weimar two years before. With Mondrian he had founded "de Stijl" movement, whose aims were in theory similar to those of the Bauhaus. But Doesburg found the Bauhaus dominated by Itten's esoteric practices, "his artistic flummery and cookery." Like a medieval scholar, he promptly opened a "Stijl" course outside the Bauhaus which attracted many of its students. In the final analysis, the controversy between Itten and Doesburg benefitted the Bauhaus: after absorbing expressionism, it now turned towards constructivism and abstract art, which found its greatest exponent in Moholy-Nagy, who joined the Bauhaus in 1923 after Itten's departure.

In 1928 Gropius resigned as director. Not only had he neglected his private practice, but the attacks on the Bauhaus had grown more vehement and he felt that his enemies sought to hurt the Bauhaus through him. Breuer, Moholy-Nagy, and Bayer left with him. Though the imprint of the group remained indelible, it was the end of the prototypal Bauhaus.

The new directors were, successively, Hannes Meyer and Mies van de Rohe, both appointed at Gropius's suggestion. Meyer, a gifted architect who contributed much to the Bauhaus, was also a militantly doctrinaire socialist and had to resign in 1930 after prolonged clashes with the Dessau City authorities. Mies was already famous for his glass and steel designs for office buildings, for his villas, and for his Barcelona pavilion. A purist and a man of extreme order, his first act was to ban politics from the school. Yet, once the Nazis took over Dessau in 1932, they forced the Bauhaus to close down. Mies moved it to Berlin, but within a few months the Nazis, now masters of the entire country, finally put an end to it.

Herr Wingler's book offers by far the most complete portrait of the Bauhaus – including its American phase under Moholy – ever assembled. It does not claim to be a history: it only records facts, reproduces artifacts, and offers some of the more important theoretical contributions of staff members and contemporary commentaries. Nevertheless, it forms the indispensable basis for the definitive history of the Bauhaus that yet remains to be written. Unfortunately, imitation of the Bauhaus style and, probably, pride of occasion, have resulted in a book 10 x 14 inches in size and weighing over ten pounds. The closely set sans-serif type does not add to legibility, nor is the index sufficiently detailed for reference. Yet these faults of production finally matter little: it is the definitive record and as such a useful, fascinating, in fact, essential book.

The legacy of the Bauhaus, in contrast to much of the work of its epigones, is almost without exception classically beautiful and innovative. One has only to skim through the over six hundred liberally illustrated pages of this book to see that not only the work of the masters but that of many less well-known students and teachers is of conspicuous, wholly contemporary excellence. In other ways, too, its legacy is enormous and enormously valuable. As Wingler observes, it is difficult to decide which is more important: the powerful impulse given to the New Architecture by Gropius and Mies, the revolutions in home environment and industrial design, or the teaching methods that have revolutionized art teaching throughout the world and have brought the style of modern art into dominance.

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and mail-order catalogues shows that the Bauhaus has failed in its larger aim – to make the world over in its own image. In this country at least the Bauhaus style has become exactly what it set out not to become: an elite style. The reasons for this failure are many. The penalty of a complete break with the past is commonly to remain cliquish or elitist. Moreover, the Bauhaus and its followers among other schools of modern architecture forbade the teaching of architectural history, thus reinforcing the breach in historic continuity. The uncompromisingly rational New Architecture thus repudiated the human amalgam of the rational and the irrational, and hence drastically attenuated its chances of general acceptance.

The relationship of the New Architecture with technology and profitability, too, has remained equivocal. Architecturally, technology has led to the loss of the curve, profitability to that of space, and both together to a loss of aesthetic motion. One result is that our cities have long been deprived of the essential harmony between building and environment. As Le Corbusier observed over three decades ago, "The street has been killed and the city made into a madhouse." It is far too late for the New Architecture to alter our metropolitan environment. Because the style is so easily copied, the buildings going up today are mostly kitsch imitations or economy versions. Whether our only chance for an authentic environment lies in entirely new, fully planned cities, such as Reston, remains problematical.

Essentially, our interest in the Bauhaus has grown over the past few decades because, immersed in it, we once again live in a time of hope and despair – to be sure, in a time of less hope and darker despair than fifty years ago. We look back in longing to the good old days, to the classic beauty of the many Bauhaus products born from the spirit of a radical humanistic and artistic renaissance – and naturally we feel impelled to emulate it. Yet: "Ideas of cultural import cannot spread and develop any faster than the society which they seek to improve." These are the words of Walter Gropius, a man who spent most of his life trying to change the order of priorities.

Notes on Contributors

Peter Jacobsohn *is an editor, translator and critic.*

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Electoral Reform

Sirs:

The stand of *The New Republic* ("Misreading Democracy," Sept. 27), following its distinguished contributing editor Professor Bickel, against direct election of the President is both cynical and illogical. The editors like the present electoral system because they believe that it gives certain citizens – urban voters in large industrial states – disproportionate and perhaps decisive influence in the choice of candidates and Presidents. Over the years *The New Republic* has been a journal of principle, yes even of democratic ideology, and this display of political expediency is unbecoming. Will the House of Lords ... rit its prerogatives once it is packed with Labor peers?

Moreover, the political advantage the editors see in the Electoral College may be illusory, or at best transient. A vote is a vote is a vote, and if as in 1960 the 26 electoral votes of Illinois are won by a majority of 9,000 in a total vote of 4,750,000, *any* group of 9,000 voters may claim the credit and seek recognition as *the* swing vote. Swing voters are those that cannot be taken for granted. They are as likely to be found in Queens and Binghamton as in Harlem, and in Cicero and Peoria as in Hyde Park. Winner-take-all does not guarantee exceptional influence to otherwise politically underprivileged urban voters. It may give exceptional influence to Mayor Daley and other traditional party organizations. It certainly gives extra weights to voters in small states, rural or urban, and to those who can and do vote in states with small turnouts. It denies effective participation in Presidential elections to minorities in one-party states, notably to blacks and other liberal voters in the South.

Professor Bickel and the editors had better stop trying to decide issues of permanent constitutional design by dubious calculations of temporary political advantage. One does not have to be a naive ideological democrat to favor direct election of the President. As the editors point out, our political system contains many protections of minority interests, which will still be there when the Electoral College is gone. But there can be only one President at a time, and it is hard to see why *The New Republic* thinks any minority has a greater right to choose him than the majority.

James Tobin
Yale University

Sirs:

For a few hours on election night last year it looked as though George Wallace had created an unelection, and that the contest would go to the House. This would have been calamitous. Yet there will be a third party as long as civil rights is a burning issue, and as long as there is a third party there is danger of a stalemate under the Electoral College system.

By overwhelming vote (unthinkable a year ago) the House has just approved a constitutional amendment to end the Electoral College and substitute direct, popular election of the President. This is backed by the American Bar Association, the AFL-CIO, the US Chamber of Commerce and, judging by opinion polls, a huge majority of the public. But to pass, it requires a two-thirds Senate vote, and a three-fourths vote of the state legislatures where 12 small states can block it. For practical purposes, I believe, it is this reform or nothing.

Opposing the plan is *The New Yorker*, *The New Republic*, certain minority groups, Professor Bickel of Yale, Theodore White, David Lawrence, Strom Thurmond, James Eastland, and many southern and western conservatives.

The New Republic wants the Electoral College modified but continued. It says that simple majority rule, 1-man, 1-vote, should be opposed because it would mean the loss of certain values: for one thing, minority groups, like blacks in big cities, might lose their favorable balance-of-power position. Curiously enough, southern segregationists oppose the plan for the opposite reason: it would widen black enfranchisement.

The New Republic warns against unrestrained majority rule, majoritarianism. However, in the long run, in a democracy, it is hard to know what other rule there is. We must take certain risks, I suppose. If the House version fails, almost certainly there will be no bill at all. It will have been killed by a strange coalition of liberal intellectuals and conservative small-staters.

Richard L. Strout
Washington, D.C.

In reply . . .

A Madisonian attempt to achieve democratic government through a balance of influence among various groups may be shortsighted and perhaps ill-advised for practical reasons, but it is difficult to see why it should be called cynical, particularly by those who accept other protections extended to "minority interests" at one time or another. The urban groups whom the Electoral College tends to favor, tend, as it happens, to be underprotected elsewhere in the system, even on those occasions when Mayor Daley identifies with them. These conditions, if transient, have been with us for some generations, and when they finally change, if ever, it will be time enough to reconsider the role played by the Electoral College.

Conservatives of the stripe of Messrs. Thurmond and Eastland do not like the winner-take-all rule under which the Electoral College now operates, and they dislike it for precisely the reasons that attract us to it. They oppose popular election because they would like to retain the College, but modify it so as to divide the vote of the large states in proportion to the popular vote of each candidate. The result would be to make real what is now illusory, namely, those "extra weights to voters in small states" that Professor Tobin mentions. This is the opposite of what we advocate. Whether out of sheer aversion to radical change, Thurmond and Eastland also prefer the present winner-take-all electoral system to popular election – which is our position – we don't know; and we don't much care.

Nor do we know it to be true that it is popular election or no change at all. The problem of the stalemate worries us as much as it does Mr. Strout, and we have proposed perfecting amendments ("Misreading Democracy," Sept. 27) to deal with it. We don't see why those cannot be acted upon if the proposal for a popular election proves unacceptable to the Senate or the states.

The Editors

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Kauffmann, *from page 24*

for funny quick-punch dialogue and, seemingly, he started on an idea that let him exercise this gift without considering how in the world he was going to finish. That finish makes absolutely no sense in relation to the action of the play. Why should Little have hung around ten days to do what he did (I suppose I'd better not reveal it) when it would have been saner and safer to do it at once? Both the credibility and the tone are wrecked, and the serious theme – white egotism – is cheapened. This last-minute cop-out or pretentiousness cannot be excused as only affecting the ending; it affects the whole play retroactively. Bernard Shaw wrote of a certain playwright that his shoddy ending was "worse than Rossini's lazy way of beginning with a Te Deum and finishing with a galop, for at least he gave us the Te Deum." Cucci's improvised or belatedly contrived ending shatters his figurative Te Deum and makes us feel a bit ashamed of having let him hoodwink us for most of the evening. He has some theater gifts; what he needs now is the guts to be true to them.

The American Hamburger League, now closed, consisted of 25 short pieces by Norman Kline, a sort of revue without songs, played by a company of six. The playlets were all failed sophisticated satire, whacking once more at such well-whacked subjects as henpecked husbands and suburban banalities. They made me sympathize with the bored priest in the story who, sitting in the confessional, wished fervently that someone would invent a new sin. But Nancy Jowsey's setting and costumes had appropriate smart-magazine abstraction, and the company played their material with quiet control. Jack Fletcher, who was so pleasant as Bert Lahr's foil in *The Birds* a few years ago at Ypsilanti, had a dignified addleheadedness, quite funny. And Richard B. Shull had the surly poise of a young, pudgy Walter Matthau. George Luscombe, the director, was succinct. He was particularly good with the endings, which might be called grayouts, a nice change from blackouts.

So: three directors, three designers, and eleven actors of nothing less than competence, all working in material inferior to their abilities. It's not a new condition: good performances have generally been more plentiful than good new plays. (See the histories of the 19th-century British and American theaters, for example.) But in the past, actors – and directors, when they arrived in the theater – were almost always surrounded by a world of playwrights trying variously to supply them. Now we are in a time when the traditional ideal of Western theater – the dramatist's script interpreted by representational actors – is being seriously questioned by many of the most serious theater people, particularly young ones. The merit of their questionings is a big subject in itself, radically important and not to be disposed of in a passing phrase. Here I am thinking only of the actor trained in representational acting of many styles, and how he is going to keep professionally alive.

If he is not sustained, how are we going to keep our dramatic literature alive? I think the Open Theater is a highly admirable ensemble; their production of *The Serpent* last year revived my faith in possible theater revolution after the Living Theater had sapped it. But the Open Theater, or its kin or its descendants, is not going to provide us with productions of Shakespeare and Chekhov or Beckett and Pinter. If the Dewhursts and Littles and Simons and Adlers are going to work and grow so that they will be available to do our Chekhov and Beckett in the future, they need new plays in the various veins they are capable of; and the interest of many of the new talents, as I see and hear young theater people, seems to be against them. So these actors and directors have to clutch at musty Fugard and slothful Cucci in order to keep working. As I watched these first plays of the season, I tried to put myself in the place of a traditional actor or director these days. (Designers are much more adaptable.) I wondered what it must be like to feel that your future – artistically speaking, quite apart from money – is haunted by malnutrition.

Note: In 1966, when I was the critic of *The New York Times* and began the practice – in this country – of attending final previews, there was something of a fuss. Three years later, two of these three productions invited critics to previews. In fact, we had our choice among four previews for each play. The more things change (these days), the less they stay the same.

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(Act of October 23, 1962: Section 4369, Title 39, United States Code.)

1. Date of filing: September 29, 1969.
2. Title of Publication: *The New Republic.*
3. Frequency of Issue: Weekly (except the second and fourth weeks of August, the first week of September, and the fourth week of December.
4. Location of known office of publication: 1244 19th Street, N.W., Washington, D. C. 20036.
5. Location of the General Business offices of the publishers: 1244 19th Street, N.W., Washington, D. C. 20036.
6. Names and Addresses of Publisher, Editor, and Managing Editor: Publisher: Robert J. Myers, 1244 19th Street, N.W., Washington, D. C. 20036. Editor-in-Chief: Gilbert A. Harrison, 1244 19th Street, N.W., Washington, D. C. 20036. Managing Editor: Alex Campbell, 1244 19th Street, N.W., Washington, D. C. 20036.
7. Owner: Name: Harrison-Blaine of New Jersey, Inc., c/o United States Corp., 15 Exchange Place, Jersey City, New Jersey. Stockholders: Owning more than 1 percent of stock: Anne B. Harrison, 3556 Macomb Street, N.W., Washington, D. C.; Old Republic Charitable Foundation, 10 East 40th Street, New York, N. Y.; Gilbert A. Harrison, 3556 Macomb Street, N.W., Washington, D. C. for Eleanor Harrison, Joel Harrison, David Blaine Harrison, and James Louis Harrison.
8. Known Bondholders, Mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities: None.
9. Not applicable.
10.

	Avg. No. Copies Each Issue During Preceding 12 Months	Single Issue Nearest to File Date
A. Total No. copies printed (Net Press Run)	163,055	155,130
B. Paid Circulation:		
1. Sales through dealers, and carriers, street vendors and counter sales	5,427	5,659
2. Mail Subscriptions	144,871	137,796
C. Total Paid Circulation	150,298	143,455
D. Free Distribution (including samples) by mail, carrier or other means	2,483	2,065
E. Total Distribution (Sum of C and D)	152,781	145,520
F. Office Use, left-over, unaccounted, spoiled after printing issues	10,274	9,610
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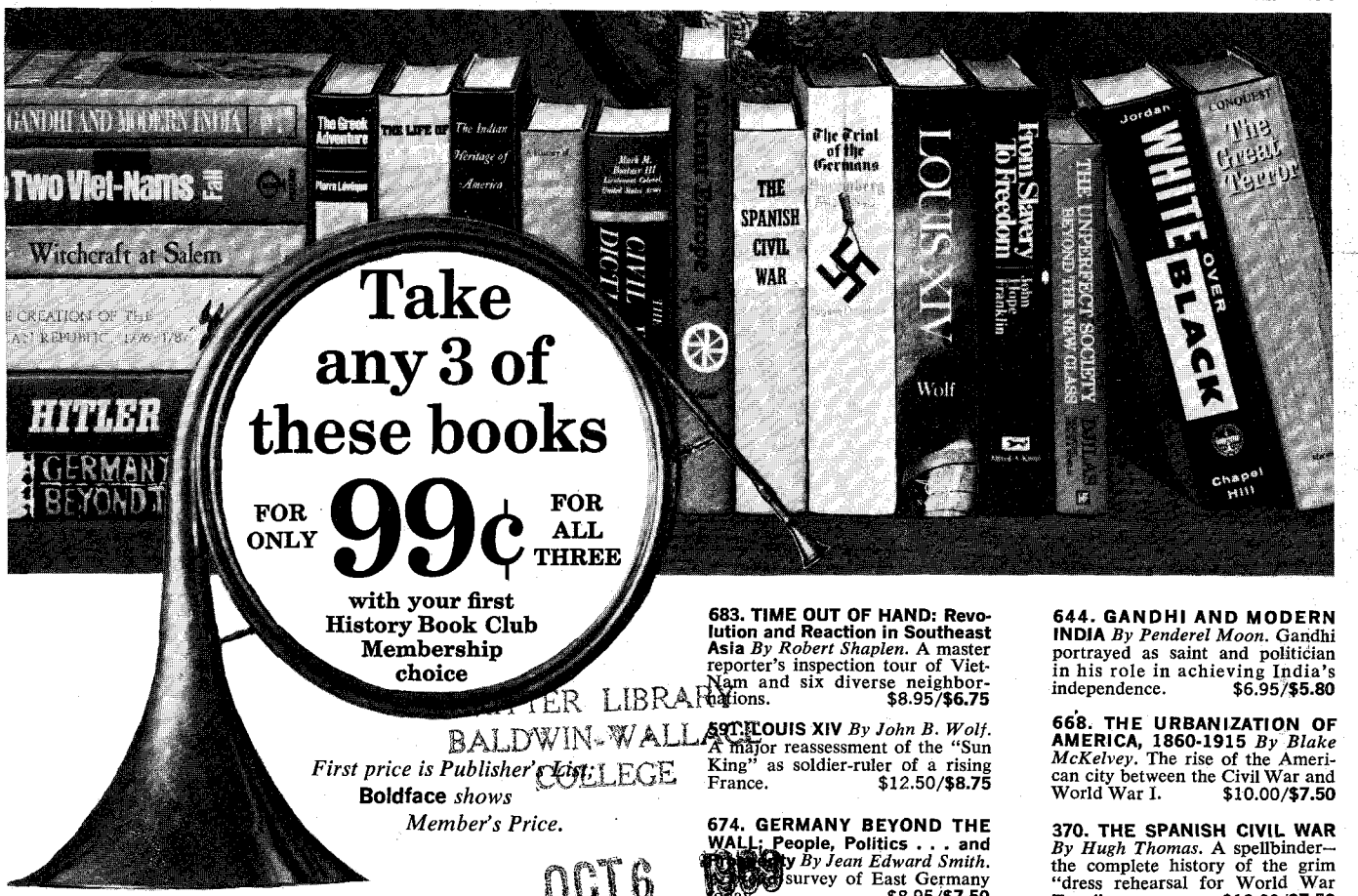

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